

No. 14352

United States
Court of Appeals
For the Ninth Circuit.

—
SAM BLASSINGAME,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.
—

Transcript of Record
—

Appeal from the United States District Court for the
Western District of Washington,
Northern Division.

FILED

OCT 15 1954



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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United States District Court, Western District of
Washington, Northern Division

No. 48895

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAM BLASSINGAME and PATRICIA LEWIS,
Alias PAT LEWIS,

Defendants.

INDICTMENT

The Grand Jury charges:

Count I.

That on or about January 5, 1952, at or near Portland, Oregon, Sam Blassingame and Patricia Lewis, alias Pat Lewis, did conspire and agree together, and with each other, to commit an offense against the United States, that is, to knowingly and unlawfully, and in violation of Title 18, U.S.C., Section 2422, cause the said Patricia Lewis, alias Pat Lewis, to go in interstate commerce from Portland, Oregon, to Seattle, Washington, with the intent and purpose on the part of said Sam Blassingame and Patricia Lewis that the said Patricia Lewis should engage in the practice of prostitution and that said defendants did knowingly cause said Patricia Lewis to go and be carried as a passenger upon the line of a common carrier, to wit, United Airlines, in the said interstate commerce.

It was further a part of said conspiracy that the said Sam Blassingame should accompany the said Patricia Lewis across the state line from Oregon to Washington, as a passenger upon the line of said common carrier, to Seattle, Washington, and in order to effect the object of the said conspiracy, the said Sam Blassingame and Patricia Lewis did commit certain overt acts within the Northern Division of the Western District of Washington and within the jurisdiction of this court, to wit:

Overt Acts

1. That said Sam Blassingame and Patricia Lewis bought airplane tickets at Portland, Oregon, via United Airlines, to Seattle, Washington, on January 5, 1953.

2. That said Sam Blassingame and Patricia Lewis boarded United Airlines airplane, Flight No. 675, at Portland, Oregon, to Seattle, Washington, on January 5, 1953, at approximately 3:45 p.m.

3. That said Sam Blassingame and Patricia Lewis arrived at Seattle-Tacoma Airport, located in King County, in the Northern Division of the Western District of Washington, on January 5, 1953, at approximately 4:45 p.m., on board the United Airlines airplane, Flight No. 675.

4. That said Sam Blassingame and Patricia Lewis after arriving in King County as heretofore alleged in the preceding paragraph of this Indictment, traveled by the same taxicab from said air-

port to an address near Jackson Street, Seattle, Washington, on January 5, 1953.

5. That said Sam Blassingame on January 5, 1953, transported Patricia Lewis by private automobile from the address near Jackson Street, Seattle, Washington, to 3009½ E. Spruce, Seattle, Washington.

All in violation of Sections 2422 and 371, Title 18, U. S. C.

A True Bill.

/s/ WALLACE L. CAUSUES,
Foreman.

/s/ CHARLES P. MORIARTY,
United States Attorney;

/s/ RICHARD D. HARRIS,
Asst. United States Attorney.

[Endorsed]: Filed December 30, 1953.

[Title of District Court and Cause.]

MOTION FOR A JUDGMENT OF ACQUITTAL
NOTWITHSTANDING THE VERDICT, OR
IN THE ALTERNATIVE A MOTION FOR
NEW TRIAL

Comes now the defendant, Sam Blassingame, through his attorney, Max Kosher, and moves this Court for a judgment of acquittal notwithstanding the verdict, upon the grounds that the evidence

introduced at the trial herein was not sufficient to sustain a verdict of guilty against the defendant, Sam Blassingame.

That in event a motion for judgment of acquittal is denied, and in that event, the defendant, Sam Blassingame, through his attorney, Max Kosher, hereby moves this Court for an order granting a new trial to the said defendant on the following grounds:

(1) That the verdict rendered herein was contrary to the interests of justice;

(2) For error of law occurring at trial and excepted to by said defendant; and

(3) That the verdict is contrary to law and evidence.

/s/ MAX KOSHER,

Attorney for Defendant, Sam
Blassingame.

/s/ JOHN E. PRIM,

Attorney for Pat Lewis.

Receipt of copy acknowledged.

[Endorsed]: Filed January 29, 1954.

[Title of District Court and Cause.]

ORDER DENYING DEFENDANT'S MOTION
FOR ACQUITTAL AND FOR A NEW TRIAL

This matter having come for trial before the undersigned Judge of the above-entitled court on the 21st day of January, 1954, the plaintiff appearing by its counsel and defendant, Sam Blassingame appearing in person and with his attorney and the court having taken the motion for acquittal under advisement until the 15th day of February, 1954, and all parties having appeared upon that date and the court being fully advised herein, now therefore

Ordered, Adjudged and Decreed that the motion for judgment for acquittal of the defendant, Sam Blassingame notwithstanding the verdict of the jury be and the same is hereby denied, and it is further

Ordered, Adjudged and Decreed that the motion of the defendant, Sam Blassingame, for a new trial be and the same is hereby denied.

Done in Open Court This 15th Day of February, 1954.

/s/ WILLIAM J. LINDBERG,
Judge.

Presented by:

/s/ MAX KOSHER,
Attorney for the Defendant.

Receipt of copy acknowledged.

[Endorsed]: Filed February 15, 1954.

United States District Court, Western District of
Washington, Northern Division

No. 48895

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAM BLASSINGAME,

Defendant.

JUDGMENT, SENTENCE AND
COMMITMENT

On this 15th day of February, 1954, the attorney for the Government, and the defendant, appearing in person and being represented by Max Kosher, his attorney, the Court finds the following:

That prior to the entry of his plea, a copy of the Indictment was given to the defendant and the defendant entered a plea of not guilty and a trial was held, resulting in a verdict of guilty as to Count I thereof; that the Probation Officer of this district has made a pre-sentence investigation and report to the Court; now, therefore,

It Is Adjudged that the defendant has been convicted by jury verdict and is guilty and is convicted of the offense of violation of Sections 2422 and 371, Title 18, U.S.C., as charged in Count I of the Indictment, there being only one Count in the Indictment herein, and the Court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient

cause to the contrary being shown or appearing to the Court,

It is Ordered and Adjudged that on Count I the defendant be committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment in such institution as the Attorney General of the United States or his authorized representative may by law designate for the period of Four (4) Years.

It Is Further Ordered that the Clerk of this Court deliver a certified copy of this Judgment, Sentence and Commitment to the United States Marshal or other qualified officer, and that said copy serve as the commitment of the defendant.

Done in Open Court this 15th day of February, 1954.

/s/ WILLIAM J. LINDBERG,
United States District Judge.

Presented by:

/s/ RICHARD D. HARRIS,
Asst. United States Attorney.

(Vio. White Slave Traffic Act and Conspiracy to violate said Act.)

[Endorsed]: Filed February 15, 1954.

[Title of District Court and Cause.]

NOTICE OF APPEAL

1. Sam Blassingame, 157 15th St., Seattle, Washington.

2. Max Kosher, Attorney for the defendant, 2919 Wetmore Avenue, Everett, Washington.

3. The offense, Title 18, U.S.C. Section 2422, (Conspiracy to Violate the Mann Act—conspiring to transport a woman in interstate commerce for the purpose of prostitution).

4. Judgment, Sentence and Commitment was entered on the 15th day of February, 1954, by the Hon. William J. Lindberg, Judge of the above-entitled court, adjudgment that the defendant Sam Blassingame had been convicted by a jury verdict and was guilty of the crime or offense of violation of Title 18, U.S.C., Section 2422; adjudging further that the defendant, Sam Blassingame, be committed to custody of the Attorney General of the United States for imprisonment in such institution as the Attorney General of the United States, or his authorized representative, may by law designate for a period of four years, and adjudging that further the Clerk of the above-entitled Court deliver a certified copy of the Judgment, Sentence and Commitment to the United States Marshal, or other qualified officer, and that the said certified copy serve as a commitment of the defendant.

5. That the defendant has not been confined, but has been admitted to bail.

The defendant, Sam Blassingame, hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit from the above-stated Judgment.

Dated this 15th day of February, 1954.

/s/ MAX KOSHER,
Attorney for the Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed February 15, 1954.

[Title of District Court and Cause.]

ORDER

Good Cause Appearing,

It Is Hereby Ordered that the defendant, Sam Blassingame, be and he is hereby granted until May 15, 1954, in which to file the transcript in the above-entitled cause.

Done in Open Court this 26th day of February, 1954.

/s/ WILLIAM J. LINDBERG,
Judge of the Above-Entitled
Court.

Presented by:

/s/ MAX KOSHER.

[Endorsed]: Filed February 26, 1954.

[Title of District Court and Cause.]

STATEMENT OF POINTS ON WHICH
APPELLANT WILL RELY

The Appellant will rely on the following points in this proceeding:

1. The District Court erred in denying the Motion of defendant, Sam Blassingame, for acquittal.

a. That the evidence was insufficient to take the case to the jury.

b. That the charge of conspiring to violate the Mann Act will not lie where one of two of the alleged conspirators is the alleged victim of the illegal transportation in interstate commerce for immoral purposes.

2. That the Court erred in admitting the testimony of Patsy Ruth McCandless, showing that she was induced to become a prostitute by the defendant, and that he accepted her earnings therefor.

/s/ MAX KOSHER,

Attorney for Defendant, Sam
Blassingame.

Receipt of copy acknowledged.

[Endorsed]: Filed April 28, 1954.

In the District Court of the United States for the
Western District of Washington, Northern
Division

Number 48895

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAM BLASSINGAME and MARY DONNA
SONGAHID,

Defendants.

TRANSCRIPT OF TRIAL PROCEEDINGS

10:00 A.M., January 21, 1954

WILLIAM J. LINDBERG,
United States District Judge.

Appearances:

RICHARD D. HARRIS,
Assistant United States Attorney,
Appeared for and on Behalf of the
Plaintiff;

MAX KOSHER,
Appeared for and on Behalf of the Defend-
ant Blassingame;

JOHN E. PRIM,
Appeared for and on Behalf of the De-
fendant Songahid.

Proceedings

The Court: Is the Government ready?

Mr. Harris: The Government is ready.

The Court: Is the Defendant Blassingame ready?

Mr. Kosher: Yes.

Mr. Prim: The woman will be in in a moment, your Honor. She just went down the hall a moment.

The Court: Do you see any objection to having the prospective jurors take the box in the absence of the one Defendant.

Mr. Kosher: I have no objection.

Mr. Prim: I have no objection.

The Court: Mr. Harris?

Mr. Harris: I think it would have to be waived by the Defendant, your Honor.

The Court: I understand.

Mr. Prim: I waive it, your Honor.

The Court: I don't know if you can. I think we will fill the box, however, and ask her to waive it, and if she doesn't, we will ask them to step out again.

The Clerk: Mr. Lanning isn't here.

The Court: Oh.

The Clerk: Is Mr. Lanning going to be here?

Mr. Kosher: No, I don't think so. [3*]

The Court: Mr. Blassingame, when you were arraigned, Mr. Lanning represented you as your Counsel. Is he now representing you? He is not representing you now?

*Page numbering appearing at top of page or original Reporter's Transcript of Record.

Defendant Blassingame: No.

The Court: Mr. Kosher, you are representing him?

Mr. Kosher: Yes.

(Whereupon, Defendant Songahid returned to the courtroom.)

The Court: The record will now show that Patricia Lewis and Sam Blassingame, both defendants, are now present in the courtroom, and the Clerk will call the Jury.

(Whereupon, a Petit Jury was duly empaneled and sworn, and an opening statement for and on behalf of the Plaintiff was made by Mr. Harris, and the following proceedings were had, to wit):

Mr. Prim: We have no statement at this time. We reserve it.

Mr. Kosher: The Defendant Blassingame reserves his statement until after the close of the Government's case.

Mr. Harris: Will your Honor excuse me just a moment? I would like, if possible at this time, because [4] of the inclement weather. I have not been able to talk to all of the witnesses, and might we take just a short recess at this time, a little sooner than usual?

The Court: Ladies and Gentlemen of the Jury: We will now take the mid-morning recess. The Court cautions you at this time that you are not, during the course of this case, to discuss among

yourselves, or to discuss with anyone any of the matters that may relate to the issues of this case, or any of the evidence that may be brought out until it is finally submitted to you for your verdict.

You are not to form or express any opinion as to the issues involved in this case, until it is finally submitted to you for your verdict.

You may now be excused, and the Court will remain in session while you leave.

(Whereupon, the Jury retired from the courtroom.)

The Court: The Court—Mr. Prim?

Mr. Prim: At this time, on behalf of Patricia Lewis, we move for a mis-trial because of the conduct of the Federal Prosecutor in mentioning that the arrest of this woman prior to her taking the stand.

The Court: I don't know, does the Government have any comment to make? [5]

Mr. Harris: I am not going to make any comment, your Honor, unless your Honor is inclined to rule.

The Court: I am not inclined to rule at this time. The Court will deny the motion and the record may show the Court denies the motion, at this time.

Mr. Prim: All right.

The Court: The Court will take a fifteen-minute recess.

(Whereupon, at 10:55 o'clock, a.m., January 21, 1954, a recess was had until 11:10 o'clock,

a.m., January 21, 1954, at which time, Counsel and Defendants heretofore noted being present, the following proceedings were had, to wit):

The Court: You may call the Jury.

(Whereupon, the Jury was returned to the courtroom.)

The Court: You may be seated.

It is stipulated that the Jury and the defendants are present in the courtroom?

Mr. Harris: Yes, your Honor.

The Court: Before you proceed, members of the Jury, the Court will instruct you, and at the conclusion of the case, that the opening statements of attorneys in the case are not evidence. They are merely a statement of what they think they may be able to prove and [6] they are not to be considered by you as evidence.

You may proceed, Mr. Harris.

Mr. Harris: Thank you, your Honor.

Mrs. Smith? [7]

BEULAH SMITH

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I would like your name, and the spelling of your name.

The Witness: Beulah Smith.

The Clerk: B-e-u-l-a-h (spelling)?

The Witness: Yes.

The Clerk: S-m-i-t-h (spelling)?

(Testimony of Beulah Smith.)

The Witness: Yes.

The Clerk: Will you take the witness stand, please?

Direct Examination

By Mr. Harris:

Q. Would you state your name, please?

A. My name is Beulah Smith.

Q. And is that Miss or Mrs. Smith?

A. Well, I have been married. Mrs. Smith, I guess.

Q. And what is your address, Mrs. Smith?

A. 112 Seventh Avenue.

Q. And is that here in Seattle? A. Yes.

Q. And how long have you lived at that address?

A. Six or seven years. About six years. [8]

Q. Do you know Sam Blassingame?

A. Yes, I know Sam.

Q. Do you see him here in the courtroom?

A. Sure.

Q. Where do you see him?

A. Sitting there. (Indicating.)

Q. Sitting over there next to his Attorney?

A. Sure.

Q. Do you know Pat Lewis?

A. Yes, I know.

Q. And where is she? A. She sits——

Q. (Interposing): Where is she? Do you know her? A. Yes, I know her when I see her.

Q. And do you see her in the courtroom here today? A. No, I don't see Pat.

(Testimony of Beulah Smith.)

Q. Would you take a look and see now real carefully if you see her here in this courtroom?

A. No, if it is her. I never saw Pat dressed up, so that I wouldn't know her.

Q. You wouldn't know her?

A. Dressed up. Yes, there she is.

Q. Over here sitting next to Mr. Prim?

A. Yes, that is Pat.

Q. How long have you known Sam Blassingame?

A. Oh, three or four years; maybe longer.

Q. And how long have you known Pat Lewis?

A. Oh, about the last——

Mr. Prim: I am sorry; I didn't get the answer.

The Court: I don't think she finished the last answer.

A. (Continuing): Along about the last of 1952 when I met Pat.

Q. (By Mr. Harris): Where did you meet her?

A. She came up to my house with Sam.

Q. With Sam Blassingame? A. Yes.

Q. And do you know when it was in the latter part of 1952; what month it was?

A. No, I don't remember dates so well, but it was in 1952.

Q. All right, and why did she come to your house with Sam Blassingame?

A. Well, Sam always comes to my house. We were friends.

Q. I mean on this particular time when you first met her, why did she come there with him?

A. Well, he first come and asked would I have

(Testimony of Beulah Smith.)

anything needed done, and I told him "No," and when I [10] fix food, if I have anything done, if he wants something he eats, and if I don't have nothing, he gives me money to buy some.

Q. Did he do that on this occasion?

A. Once or twice, he gave me some money to buy food, and once or twice, I had some done.

Q. On this particular date, when Pat Lewis was with him, at that time, what happened?

A. Well, we just fixed some food, and we sat and played some records, and she left and he left.

Q. Did you see her again after that?

A. Yes, I saw her.

Q. When you saw her, would you—where would you see her, if you did, after that?

A. Well, she came to my house, once or two times after that, and I saw her walking down Jackson Street once or twice after that.

Q. When you saw her, was she by herself or with someone?

A. By herself when I saw her walking down Jackson Street.

Q. And when you saw her at your house, was she by herself, or with someone?

A. She came with Sam.

Q. Did you ever see her at your house at any time [11] other than with Sam? A. No.

Q. She was always with Sam when she came to your house? A. Yes.

Q. Now, did she ever tell you what she did for a living, Pat Lewis?

(Testimony of Beulah Smith.)

A. Well, she just says she is going out to make some money.

Q. Well, did she say how?

Mr. Kosher: Just a minute, if your Honor please. On behalf of the Defendant Sam Blassingame, I object to it as hearsay as to him, unless the statements were made in his presence.

The Court: You might lay further foundation, Mr. Harris.

Mr. Harris: Well, your Honor, I think probably that objection is well taken at this time.

However, the Government hopes to prove a conspiracy at a later time.

The Court: Well, I will advise the Jury at this time that any statement made here as to Pat Lewis will not be binding upon the Defendant Sam Blassingame unless there is something to show that he was present, or heard it. [12]

Mr. Prim: Just a moment, your Honor. I wonder if the Court will advise, or see that the Government—these transactions that she is now testifying to is somewhere close to the date or the time that is alleged in the indictment.

Now, as far as I can get it, your Honor, she said she knew this woman in 1952. She may have known her in 1951 and 1950, but that has nothing to do with this particular indictment.

The Court: I think that the Government should fix a time.

Q. (By Mr. Harris): Now, these times that

(Testimony of Beulah Smith.)

she came to your house that you mentioned, when was that?

What year, if you can say, and what month and what day, if you know?

A. Well, I don't remember dates, because I thought we were just friends, and I didn't think there was anything to keep dates about. I didn't think it was anything I would be hauled into Court on, and I don't remember dates. If I thought it was anything I should have kept up with, probably I would have.

Q. Well, what is your best recollection, what year was it? A. Well, it was in 1952. [13]

Q. And what part of 1952, if you know?

A. Along about the last of 1952 when I met Pat Lewis.

Q. Is that the best recollection you have?

A. Yes.

Q. All right. Now, did you have a conversation with her along about that time, concerning what she did, or did she tell you what she did?

A. Well, she——

Mr. Kosher: I will make the same objection I made heretofore, and further on the grounds that until a prima facie case of conspiracy is made, I think this testimony is irrelevant.

The Court: Objection overruled. The Court will advise the Jury, as before, that any statement made by this witness relating to conversation of the Defendant, Pat Lewis, or Mrs. Songahid, is not binding upon the Defendant Blassingame, unless it

(Testimony of Beulah Smith.)

should be connected up in some respect at a later time.

Mr. Harris: Upon the Defendant Blassingame.

The Court: Upon the Defendant Blassingame.

Mr. Harris: Yes, your Honor.

The Court: You may proceed.

Q. (By Mr. Harris): Now, what, if anything, did she say to you at that [14] time as to what she did?

A. Well, I don't know, the last time she was up at my house, we was supposed to go away some place, and I wanted to go with them. That is all I know.

Q. Well, did she ever tell you how she made her living?

A. Well, she just said she was going down the street and make some money; that is all.

Q. Did she ever say anything else as to how she made her money?

(Whereupon, there was a brief pause.)

The Court: Did you hear the question?

The Witness: Yes, I heard it, but I don't know how to answer it.

Q. (By Mr. Harris): Well, did she ever say anything else other than she was going down on the street and make some money as to how she earned her money?

A. No, she just says she was a prostitute, that is all.

(Testimony of Beulah Smith.)

The Court: She just said what?

The Witness: She just said she was going down and make some money. She was a prostitute. That is all I know. Pat said it.

Mr. Harris: I ask if the reporter got the [15] last answer?

The Court: Mr. Reporter, did you get the last answer?

The Reporter: Yes, your Honor.

Q. (By Mr. Harris): Did she at any time during the latter part of 1952 tell you she was going to go away, or go on a trip?

A. Yes. I wanted to go. Two or three of us was supposed to go. I wanted to go, but then Sam did tell me I couldn't go because there would be no colored people where they were going.

Mr. Kosher: I couldn't hear that.

Mr. Harris: I don't think it was responsive.

Mr. Kosher: I didn't hear the last part.

The Court: Do you wish it read?

Mr. Kosher: Yes, your Honor.

The Court: Mr. Reporter, read the last answer.

(Whereupon, preceding answer was read by the reporter.)

Mr. Kosher: I move that it be stricken upon the grounds it is not responsive.

The Court: The answer may be stricken.

Mr. Kosher: And will the Court instruct the Jury to disregard it?

The Court: The Court does instruct the Jury

(Testimony of Beulah Smith.)

to [16] disregard the last answer. The Court has stricken it from the record as not being responsive to the question.

Q. (By Mr. Harris): Mrs. Smith, did Pat Lewis say where she was going?

Mr. Prim: If your Honor please, that is repetitious. I believe she has answered several times she was going to Portland.

The Court: I don't believe the record is clear on that. Do you have in mind the last question? Did Pat Lewis ever tell you where she was going?

A. She said she was going to Portland. That is all I know.

Q. (By Mr. Harris): What, if anything, did you say to her after that or—yes, what, if anything, did you say to her when she told you she was going to Portland?

A. Well, we just talked as usual; nothing in particular.

Q. Well, did you—did you have—did you ask Sam Blassingame anything at that time?

A. Yes. I told you I asked him, and he said there would be no colored people where he was going.

Q. What did you ask him?

A. I wanted to go with him. [17]

Q. And what did he say?

A. He just said there wouldn't be any colored people where he was going, and I couldn't go.

Q. Did Pat Lewis tell you why she was going to Portland?

(Testimony of Beulah Smith.)

A. She just said she was going to make some money. That is all.

Q. Did Sam Blassingame tell you why he was going to Portland? A. No.

Q. Mrs. Smith, are you able to read or write the English language?

A. I read a little bit. Not too well.

Mr. Harris: Your witness.

Cross-Examination

By Mr. Kosher:

Q. Do you remember when you first met Pat Lewis? A. Yes.

Q. What year was that?

A. Along about the last of 1952.

Q. Do you remember what month it was?

A. No.

Q. Now, could it have been that you met her sometime in 1951?

A. It was in 1952, yes, I met her. [18]

Q. You are sure it was in 1952? A. Yes.

Q. How do you fix the date?

A. How do I fix the date?

Q. Yes; how do you know it was 1952 and not 1951?

A. Well, it was the year before last. What was that?

Q. You say it was the year before last?

A. Yes.

Q. And you are sure of that? A. Yes.

(Testimony of Beulah Smith.)

Q. And you say it was the latter part of the year before last, is that right? A. Yes.

Mr. Kosher: I think that is all.

Cross-Examination

By Mr. Prim:

Q. Mrs. Smith, what is your occupation now?

A. Well, I did work until I was sick. I had to go in the hospital a couple of times, and I haven't been working.

Q. What was your occupation?

A. Housework. I work for Mittelstadt.

Q. Pardon?

A. I work for Mittelstadt for five and one-half years, [19] for Mrs. Thompson.

Q. Where were you living at that particular time?

A. I used to live at Sixth Avenue North.

Q. At the time that you spoke of that you met Patricia Lewis, where were you living then?

A. 112 Seventh Avenue.

Q. Under what circumstances did you meet Patricia Lewis?

A. Under what circumstances? I don't think—— I was going with a man, and he was a friend of Sam's, and quite naturally, that would make Sam a friend of me, and we have been friends ever since I have known him, and he would always come around.

Q. Now, do you remember the first thing that Patricia did at the time that you met her?

(Testimony of Beulah Smith.)

A. She didn't do anything but come in the house and sit down.

Q. May I call your attention to this: Didn't she ask you to use the 'phone?

A. No. I think she first came to my house and she came in and sat down, and she came in and I asked her to sit down, and then she went up to the bathroom and I went with her and came downstairs, and Sam said, "Do you have anything in here to eat?" And I said, "No."

Q. Now, may I call your attention to this, [20] Mrs. Smith:

Wasn't it about the seventh day of January that Mrs. Smith—that Patricia Lewis came to your house, and she called me on the 'phone? Wasn't that the first time you ever met her?

A. I don't remember dates. I keep telling you I will not promise you a definite date, because I don't remember.

Q. Do you remember her using the 'phone and calling me?

A. I don't remember her using the 'phone and calling you, but she has been to my house and sat down and used the 'phone, and me and Sam would be talking or fixing something to eat for him or something.

Q. Have you ever been convicted of a crime, Mrs. Smith? A. Yes.

Q. What was it? A. Prostitution.

Q. And when?

A. Oh, a couple of years ago.

(Testimony of Beulah Smith.)

Q. Well, what year was it?

A. I don't know; two or three years ago. I don't know.

Q. 1952 or '53? [21]

A. It must have been fifty—it must have been in '50, I think.

Q. Why did you ask Sam Blassingame to go to Portland with him?

A. Well, I always go somewhere with him. We always ride around the street together, and we were friends, and I didn't think there was any harm if he was going off, if I could go with him.

Q. From Seattle to Portland? A. Yes.

Q. Were you practicing prostitution at that particular time?

A. No, I never practiced prostitution anywhere, just since I have been—after I got sick, I had two children, and I was on the Welfare, and anybody on the Welfare, they wouldn't get enough money to support their children, and I was drunk and I needed some, and I got some, and I paid a crime for it, and what I didn't do in time, I paid for it and I am not doing any time now, and I would rather you didn't ask me that.

Mr. Prim: No further questions.

Mr. Harris: Thank you, Mrs. Smith.

Mr. Kosher: That is all. I haven't any further questions.

The Court: That is all, Mrs. Smith. [22]

(Witness excused.)

Mr. Harris: May Mrs. Smith be excused, your Honor?

The Court: Any reason to hold Mrs. Smith?

Mr. Kosher: No.

The Court: All right, you may be excused.

Mr. Harris: Thank you. I would like to call Mr. Scott. [23]

LEE WILLIAM SCOTT

upon being called as a witness for and upon behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I would like your name and the spelling of your name, please.

The Witness: Lee William Scott.

The Clerk: Lee, L-e-e (spelling) William Scott, S-c-o-t-t (spelling)?

The Witness: Yes, sir.

Direct Examination

By Mr. Harris:

Q. Mr. Scott, would you state your name again for the record? A. Lee William Scott.

Q. And what is your occupation, sir?

A. Police Officer, City of Seattle.

Q. And how long have you served in that capacity? A. Almost eighteen years.

Q. What is your rank, if any?

A. Sergeant.

Q. And what is your address?

(Testimony of Lee William Scott.)

A. 635 West 78th Street.

Q. Were you employed as a Police Officer by the City of Seattle on or about January 6, [24] 1953?

A. Yes, sir; I was.

Q. At that time, did you have occasion to see the Defendant Pat Lewis?

A. Yes, sir.

Q. What time of the day was it?

A. It was——

Q. (Interposing): That you first saw her?

A. Shortly after midnight.

Q. On January 6th?

A. On the 6th of January, 1953.

Q. And where was it?

A. It was at 3009½ East Spruce Street. That is a house with apartments upstairs, and this was the rear apartment.

Q. All right; at that time, where did you see her?

A. She was in the living room of that apartment at that address.

Q. Did you have a conversation with her at that time?

A. Yes, I had a conversation with Miss Lewis, and the soldier there in the living room of that address.

Q. And was there anyone else present?

A. Yes, there was also another—there was another soldier there plus a civilian that was also present in that room. [25]

Q. Was there any other officer with you at that time?

(Testimony of Lee William Scott.)

A. Yes, there was an officer by the name of Francis, E. L. Francis.

Q. All right; at that time then what, if anything, did Pat Lewis say to you?

Mr. Kosher: Just a minute now. I object to that on the grounds it is hearsay as to the defendant Blassingame.

Mr. Prim: Upon further grounds, your Honor. May I question this Defendant? I mean, this witness, for one moment?

I want to make a motion.

The Court: You mean on voir dire?

Mr. Prim: I want to question him as to the results of this—of this transaction that he had. I just want to ask him one or two questions.

The Court: Are the questions as to the circumstances of this conversation?

I don't know just what questions you have in mind. That may be, but only insofar as—

Mr. Prim (Interposing): It relates to this particular matter and surrounding the whole transaction of that particular night.

Mr. Harris: Your Honor, I am not anticipating what [26] Mr. Prim is going to do now, but I think it is rather irregular, especially with the Jury present, at this time to interrupt my examination.

The Court: Well, I agree with you other than as to the circumstances of the particular time, and place and who may be present.

Mr. Harris: No objection to that, your Honor.

Mr. Prim: May I ask that the Jury be excused,

(Testimony of Lee William Scott.)

and I will address the question to you and you will know exactly what it is.

The Court: No, I am going—no, I am not going to excuse the Jury at this time. The Court will deny any right to question other than on voir dire relating to the circumstances, time, place, and who was present at the conversation.

You may continue, Mr. Harris.

Mr. Harris: Well, if Mr.—were you allowing Mr. Prim to inquire as to that?

The Court: As to any matters that may relate as to who was present, as to the time and place.

Mr. Prim: No questions on that.

Q. (By Mr. Harris): Now, Mr. Scott, I will repeat my question: What, if anything, did she say to you at that time?

Mr. Kosher: I renew my objection, if your Honor [27] please. I don't think you ruled on that.

The Court: The objection made by the Defendant Blassingame will be denied with this statement to the Jury, that any statement made by the Defendant Lewis—the Defendant referred to as Lewis here, true name being Mary Donna Songahid, is not binding upon the Defendant Blassingame unless it is in some way connected later, so that at this time, any conversation related as to the Defendant Lewis may not be considered as to the Defendant Blassingame.

Mr. Harris: Thank you, your Honor.

Q. (By Mr. Harris): Mr. Scott?

A. The only thing that Pat Lewis said at the

(Testimony of Lee William Scott.)

time when we were questioning the group was that she was not guilty of doing what the soldier had said in her presence.

Q. Had—did the soldier make a statement in her presence? A. Yes.

Q. And within hearing of her?

A. Yes, in her presence.

Q. All right, what did he say?

Pardon me, excuse me, who was this? What was his name?

A. His name was Parks, last name was [28] Parks.

Q. Do you know what his first name was?

A. I, for the moment, I forget. I remember the last name.

Q. Would Thomas E. Parks help you to refresh your memory? A. Yes.

Q. What, if anything, did he say in her presence at the time?

A. He said that he had performed an act of intercourse with her, and he had paid her for it, and he didn't know where the money was that he had paid her.

Q. Did you ask Patricia, Pat Lewis, where the money was? A. Yes, I did.

Q. What did she say, if anything, to that?

A. She said she didn't have any money, and that she had not performed the act.

Q. Did the soldier say anything—Mr. Thomas E. Parks say anything else in her presence at that time?

(Testimony of Lee William Scott.)

A. Yes, he said she took something out of her brassiere and had gone over to the kitchen sink. That was through the living room into the kitchen and in to the sink on the left-hand side of the kitchen, and pulled the strainer aside and put something down there. [29]

Q. What did you do, if anything, after that?

A. I thought at that time it was the money that she had hid.

Q. All right; then, after that, did you leave 3009 $\frac{1}{2}$ East Spruce Street?

A. Yes, I had looked down the sink and——

Q. (Interposing): I beg your pardon; did you leave? A. Yes.

Q. And where did you go?

A. I took her to Police Headquarters.

Q. Took who?

A. Pat Lewis and the two soldiers and the civilian to Police Headquarters.

Q. And where was that located?

A. At Third Avenue and James Street.

Q. In the City of Seattle? A. Yes.

Q. And what happened, if anything, after you arrived there?

A. I stopped at the captain's office on the way up to the city jail and told them what I had, and the reason I was off the air, and went up to the sixth floor of the building and proceeded to book Pat Lewis.

Q. What, if anything, is on the sixth floor?

A. The city jail.

(Testimony of Lee William Scott.)

Q. For the men or the women?

A. Both. [30]

Q. And where then did you take Pat Lewis in relation to the——

A. (Interposing): I took her up to the booking desk and proceeded to book her there.

Q. What, if anything, occurred there at that time?

A. Officer Francis was alongside of Pat Lewis, and I went inside the cage and was inside there alongside the booking officer that was booking Pat Lewis.

Q. Were you able to see her? A. Yes.

Q. How far away were you from her at that time?

A. Possibly two and one-half or three feet, just across the counter.

Q. I see. What, if anything, did she do at that time?

Mr. Kosher: If your Honor please, again on behalf of the Defendant Blassingame, I object to this on the grounds it is incompetent, irrelevant and immaterial as to what she did at this time.

The Court: Objection overruled. The Court again advises the Jury that this testimony relates to the Defendant Pat Lewis, and is not binding upon the Defendant Blassingame unless otherwise connected.

Mr. Kosher: Your Honor, so that I will not have to object all the time and interrupt Counsel, [31]

(Testimony of Lee William Scott.)

will your Honor instruct the Jury as to all of these matters and I will not have to object further and interrupt Counsel?

The Court: It may be understood that testimony which relates to one defendant relative to actions, conversations and so on, are not binding upon the other defendant unless and until such time as they may be connected up by some subsequent evidence, and that relates not only to the testimony given, but also to any testimony of a similar nature until such time as it may be connected in some way.

Q. (By Mr. Harris): What, if anything, did she do then, Sergeant, at that time?

A. I noticed Pat Lewis had something in her hand and tear something off. It seemed like a piece of paper, and dropped it alongside of her on the right side and I motioned to Francis, who was standing there, to see what it was, and he picked it up and gave it to me.

Q. And what, if anything, did you do with it at that time?

A. And I asked her where the tickets came from, or what she was doing, and she was non-committal. She wouldn't say anything about anything.

Q. After you picked it up, what were you able to [32] determine it was?

A. It was—she had torn off the name of two persons from an airplane ticket from Portland, Oregon, to Seattle.

Q. What names was it she tore off?

(Testimony of Lee William Scott.)

A. Mrs. Blassingame and Mr. Blassingame.

The Clerk: Plaintiff's Exhibits 1 and 2 marked for identification.

(Plaintiff's Exhibits Nos. 1 and 2 marked for identification.)

Q. (By Mr. Harris): I am handing you Plaintiff's Exhibit 1, I will ask you to state what that is, if you know?

A. Yes, this is the portion of the ticket that was torn off and retrieved by Officer Francis and me and given to me at that time.

Q. And how are you able to identify it?

A. Well, I put the date over here, and the time and my initials.

Q. All right.

A. On three portions of it. The two that were torn off, plus the original ticket.

Mr. Harris: All right, may the record show, your Honor, that Plaintiff's Exhibit 1 consists of one large sheet of paper and two smaller portions of paper? [33]

Q. (By Mr. Harris): And you say that your initials appear on both the two smaller portions of the paper?

A. Yes, sir; yes, sir, they do.

Q. All right, Sergeant Scott, I am handing you now what has been marked Plaintiff's Exhibit No. 2, and I will ask you to state what that is, if you know?

A. Yes, this is the other ticket, and portions

(Testimony of Lee William Scott.)

torn off of the ticket with the date, time and my initials on it.

Q. Now, that exhibit, then, is the—portion torn off relates to Mrs. or Mr.?

A. Mrs. Blassingame on this one.

Q. So that the other one, Plaintiff's Exhibit 1, would be "Mr.," is that correct?

A. Yes, sir, Mr.

Mr. Harris: May the record show, your Honor, that Plaintiff's Exhibit No. 2 consists of one large sheet of paper and two smaller portions?

The Court: The record may so show.

Mr. Harris: Your witness.

Cross-Examination

By Mr. Kosher:

Q. You say that you had a conversation with a soldier in the presence of this young lady sitting next [34] to me? A. Yes, sir.

Q. And that was in her apartment?

A. Yes, sir.

Q. How did you get in that apartment?

A. I rapped on the door and was admitted, by Miss Lewis.

Q. Now, as a matter of fact, didn't you break the door in? A. No, sir.

Q. Or did anybody in your presence break the door in? A. No, sir.

Q. And you subsequently filed a charge against this girl, didn't you, of practicing prostitution?

(Testimony of Lee William Scott.)

A. Yes.

Q. Those charges were dismissed, weren't they?

Mr. Harris: I will object to that, your Honor.
I think it is immaterial to this case.

The Court: Objection overruled.

Q. (By Mr. Kosher): Isn't that a fact, Sergeant, the charges against her were dismissed?

A. Yes, sir.

Q. And wasn't it a fact that they were [35] dismissed because you had broken into her apartment, or at least the Court said you had broken into her apartment?

Mr. Harris: I object to that, your Honor.

The Court: Well, the question is whether he knows. He hasn't indicated he would know, so that at this point, the Court will sustain the objection.

Q. (By Mr. Kosher): Do you know, Sergeant?

A. Would you state it again, please?

Q. Do you know whether or not the charges were dismissed because the Court said that you had broken into her apartment?

A. That is not my recollection.

Q. Did you have a warrant at the time that you went to her apartment?

Mr. Harris: I think that is immaterial, your Honor.

The Court: Objection sustained.

Q. (By Mr. Kosher): Now, you took her then to the police station, is that right?

A. Yes, sir.

Q. And you didn't search her, did you?

(Testimony of Lee William Scott.)

A. No, sir.

Q. You were standing some feet away while she was being searched, isn't that right? [36]

A. No. The booking is done on one side. All searching of the women prisoners is done by a woman matron of the women prisoners on the other side of this same floor.

Q. You didn't search her yourself?

A. No, sir.

Q. And you didn't book her yourself, did you?

A. Yes.

Q. You did book her yourself? A. Yes.

Q. But you yourself did not pick up these pieces, did you? They were handed to you by someone else? A. That is correct.

Q. And you had no conversation with her with reference to where she got these tickets?

A. When the officer handed me the tickets across the counter, I asked Pat about them, and she wouldn't answer anything.

Q. She was under arrest at that time, wasn't she?

A. At that time, she was under arrest.

Q. And she said nothing? A. Correct.

Q. And you knew that was her right, didn't you?

Mr. Harris: I object to that, your Honor.

The Court: Objection sustained. [37]

Q. (By Mr. Kosher): Now, at that time, Sam Blessingame wasn't there, was he?

A. No, sir.

(Testimony of Lee William Scott.)

Q. And he wasn't at her apartment at the time that you went and arrested her, was he?

A. No, sir.

Q. And you didn't see him around there?

A. No, sir.

Q. And you didn't take these tickets from him?

A. No, sir.

Q. And he wasn't there when you got the tickets? A. No, sir.

Mr. Kosher: I think that is all, Sergeant.

Cross-Examination

By Mr. Prim:

Q. Sergeant Scott, you were present at the trial before the Honorable Judge Neergaard, isn't that right? A. Yes, sir.

Q. And you were there each and every time that we had a session concerning Patricia Lewis on this arrest matter?

Mr. Harris: I will object to that, your Honor. It goes beyond the scope of the direct examination.

The Court: What is the purpose, Mr. Prim? [38]

Mr. Prim: That it was an illegal arrest and that this case was thrown out by reason of the illegal arrest.

The Court: That isn't material in this issue at this time.

Mr. Harris: May the Court at this time instruct the Jury that the remarks of Counsel are not to be considered as evidence?

The Court: The Court stated before that open-

(Testimony of Lee William Scott.)

ing statements of counsel and, likewise, any statements of counsel during the trial are not evidence, and the Jury should disregard them unless they relate to a question to the witness to answer.

You may proceed.

Objection sustained.

Q. (By Mr. Prim): Sergeant, were you looking at Patricia Lewis at all times while she was up being booked?

A. Yes. At the time she was being booked, I was alongside the booking officer and talking with her back and forth.

Q. Who was searching her?

A. There was no one searching her. It was all men on that side.

Q. Isn't it a fact that you went into her pocket and [39] got these particular things out and didn't she take them away from you, and didn't she start tearing them; isn't that correct?

A. No, sir.

Q. Isn't that a fact? A. No.

Mr. Prim: Just a moment.

(Whereupon, there was a brief pause.)

Mr. Prim: No further questions.

(Testimony of Lee William Scott.)

Redirect Examination

By Mr. Harris:

Q. I believe, Sergeant Scott, that Mr. Kosher asked you whether or not you charged her as a result of this arrest; do you recall that?

A. Mr. Kosher, is that the attorney over there?

Q. Yes.

A. Yes, we charged her.

Q. And your reply was for prostitution, is that right? A. Yes, sir.

Q. Any other charge? A. Yes, sir.

Q. What was that?

Mr. Kosher: Just a minute. I object to that on the grounds it is immaterial. [40]

The Court: Objection sustained.

Mr. Harris: Your Honor, respecting the ruling of the Court, may I make just one remark?

The Court: You may.

Mr. Harris: Counsel asked her, or asked this witness under what charges she was booked. I objected to the question, your Honor, and I was overruled, and the witness was allowed to answer, and the answer was prostitution. I think, in view of that, that I would be entitled to ask him what, if any, charges——

Mr. Kosher (Interposing): I don't think that was the question.

The Court: I think that perhaps——

(Testimony of Lee William Scott.)

Mr. Harris (Interposing): I will respect your Honor's ruling.

The Court: —that might show. However, I believe that the fact that it was answered when the matter was allowed to be immaterial would not justify the Court in permitting further immaterial examination.

Mr. Harris: All right, your Honor. I have no further questions. Thank you.

Mr. Kosher: That is all.

Mr. Prim: That is all.

The Court: That is all. [41]

(Witness excused.)

Mr. Kosher: I wonder if Sergeant Scott could remain around a short time?

I think I will have to reserve the right to recall him in any event, your Honor.

The Court: In other words, you want him available to take the stand?

Mr. Kosher: Yes.

The Court: So, Mr. Scott, you may leave now, but if you will be available at two o'clock.

The Witness: Yes, sir.

Mr. Harris: I would like to call Officer Francis, your Honor. He is a very short witness.

The Court: All right. [42]

EDWARD L. FRANCIS

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I want your name and the spelling of your name, sir.

The Witness: Edward L. Francis.

The Clerk: F-r-a-n-c-i-s (spelling)?

The Witness: Yes, sir. F-r-a-n-c-i-s (spelling).

Direct Examination

By Mr. Harris:

Q. Sergeant, I will ask you again to repeat your name for the record, please.

A. Edward L. Francis.

Q. And your occupation?

A. Seattle Police Department, patrolman.

Q. Patrolman? A. Yes, sir.

Q. How long have you been with the Seattle Police Department? A. Seven years.

Q. And what is your address, Mr. Francis?

A. 10317 Densmore.

Q. Were you acting as a police officer of the City of Seattle on or about January 6, 1953? [43]

A. Yes, sir.

Q. Were you at the booking office of the Seattle Police Department in the Public Safety Building on that day? A. Yes, sir.

Q. And at that time, did you have occasion to see Pat Lewis? A. Yes, sir.

Q. And were you with Officer Scott at that time?

(Testimony of Edward L. Francis.)

A. I was.

Q. And were you there at the booking desk?

A. I was there.

Q. Now, where were you standing?

A. I was standing right behind Miss Lewis.

Q. Was there a shelf or a desk or anything in between you? A. No, sir.

Q. How far away were you from her at that time?

A. Oh, about two and one-half or three feet, right directly in back of her.

Q. All right, was anyone in between you and Pat Lewis? A. No, sir; nobody.

Q. Anything obstruct your view of her?

A. Nothing. [44]

Q. Was the light good there?

A. Very good.

Q. Where was Officer Scott, or Sergeant Scott?

A. He went around behind the desk with the Clerk. He was right across the desk from the defendant.

Q. All right, what, if anything, did Pat Lewis do at that time?

Mr. Kosher: Just a minute. On behalf of the defendant Sam Blassingame and as to this witness, I object on the grounds it is immaterial and hearsay as to him.

The Court: At this time, the particular conversation is not binding upon the Defendant Blassingame.

Q. (By Mr. Harris): All right.

(Testimony of Edward L. Francis.)

A. What was it?

Q. What did she do? What did you see her do?

A. Yes, sir; she took a little envelope out of her pocket, or a ticket, and started to tear it, and she dropped it on the floor, and the Sergeant nodded to me, and it was very obvious, and I picked it up and handed it to the Sergeant.

Q. Did you see her drop it? A. Yes, sir.

Q. And did you subsequently pick it up? [45]

A. Yes, sir.

Q. And was there anything else on the floor?

A. Nothing.

Q. And these were the only objects you saw her drop, is that right? A. Yes, sir.

Q. All right.

Mr. Harris: May I see that exhibit?

Q. (By Mr. Harris): Officer Francis, I am handing you Plaintiff's Exhibit No. 1 for identification. A. Yes, sir.

Q. And I will ask you whether or not that is the object you saw her drop? A. Yes, sir.

Q. And did you pick it up at that time?

A. Yes, I did.

Q. And to whom did you give it?

A. Sergeant Scott.

Q. All right; I am handing you Plaintiff's Exhibit No. 2 for identification, and I will ask you to state what that is, if you know?

A. Yes, sir.

Q. What is that?

A. This is the other one that she dropped. [46]

(Testimony of Edward L. Francis.)

Q. And what did you do with that?

A. I handed this directly to Sergeant Scott also.

Mr. Harris: All right. At this time, your Honor, the Government moves for admission into evidence of Plaintiff's Exhibits 1 and 2.

Mr. Kosher: On behalf of the Defendant Sam Blassingame, I object to them on the grounds they are incompetent, irrelevant and immaterial, and there is no connection shown between these exhibits and the Defendant Sam Blassingame.

The Court: Does the Government make a representation that these are matters to be connected up?

Mr. Harris: Yes, your Honor.

Further, I would like to examine this witness, and if your Honor wishes, I might reserve that again. The only thing, I don't want to recall Officer Francis if there was some other technicality.

The Court: Well, the Court would, upon objection, overrule the objection on the representation of the Government that they will be connected up. Of course, if they are not so connected up, the Court will consider a motion to strike.

Mr. Harris: Thank you, your Honor.

The Court: The Court will admit them upon that condition. [47]

(Plaintiff's Exhibits Nos. 1 and 2 admitted in evidence.)

Mr. Harris: No other questions of this witness.

(Testimony of Edward L. Francis.)

Cross-Examination

By Mr. Kosher:

Q. Mr. Francis, did you examine those two exhibits quite carefully when counsel handed them to you? A. Yes, sir.

Q. Are they the same now as you handed them to Officer Scott? A. Yes, sir.

Q. No changes at all?

A. Well, Officer Scott initialled them, at the time in my presence he initialled them, to put them in evidence.

Q. And two little pieces, they are torn out?

A. Yes, sir.

Q. You picked those up and handed those to him? A. Yes, sir.

Q. And aside from the markings on them that the Sergeant made there is no difference in these exhibits now and the time when you picked them up, is that right? A. That is right.

Q. You didn't see the Defendant Sam Blassingame at the time that you picked up these tickets, did you? [48] A. No, sir.

Q. And he wasn't present there in the jail?

A. No.

Q. Were you out at the apartment with Sergeant Scott? A. Yes, sir; I was.

Q. At the time you were out at the apartment, you didn't see Sam Blassingame, did you?

A. No, sir.

Mr. Kosher: I think that is all.

(Testimony of Edward L. Francis.)

Cross-Examination

By Mr. Prim:

Q. Officer, do you know where these exhibits were between the time that they are alleged to have been taken from Patricia Lewis up to today?

A. You mean——

Q. (Interposing): Have you had them in your presence?

A. No, sir; Sergeant Scott placed them in evidence.

Q. In evidence? A. Yes, sir.

Q. Were you there when he did that?

A. Yes, sir.

Q. Do you know whether or not they have been taken out of evidence between that time and this time? A. That I don't, sir. [49]

Q. When were they taken out of evidence, do you know?

A. Well, I imagine they were taken——

Q. (Interposing): Not what you imagine. Do you know? A. I don't know, sir.

Q. You don't know? A. No, no.

Mr. Prim: No questions.

Mr. Harris: That is all. May Officer Francis be excused, your Honor?

The Court: If there is no objection.

Mr. Kosher: I have no objection; or he can stay, if he wants to.

The Court: Mr. Prim, do you think you will recall him?

(Testimony of Edward L. Francis.)

Mr. Prim; No.

The Court: You may be excused, then, Mr. Francis, and you need not return.

(Witness excused.)

The Court: We will now take the noon-day recess. Ladies and gentlemen of the Jury:

The Court will advise you again or admonish you that you are not to confer among yourselves or with anyone on the outside regarding any matters relating to the [50] issues of this case, and you are not to form an opinion in regard to any issues involved until the case is finally submitted to you for your verdict.

You may now be excused, and the Court will remain in session while you leave, and you should be back about 1:45 so that we can begin promptly at 2:00.

(Whereupon, the Jury retired from the courtroom.)

The Court: Mr. Harris, do you have any idea of how much more time the Government will take?

Mr. Harris: If your Honor please, just bear with me a moment.

(Whereupon, there was a brief pause.)

Mr. Harris: I think I have about two hours of further direct examination.

The Court: Then we won't finish up.

Mr. Harris: In all probability, we will not finish today.

The Court: All right. The Court will recess until 2:00 o'clock.

(Whereupon, at 12:05 o'clock p.m. January 21, 1954, a recess was had until 1:58 o'clock p.m., January 21, 1954, at which time, Counsel and Defendants heretofore noted being present, the following proceedings were had, to wit): [51]

(Whereupon, the Jury was returned to the courtroom.)

The Court: You may proceed, Mr. Harris.

Mr. Harris: May we have the usual stipulation, your Honor?

The Court: It is stipulated that the Jury and both Defendants are present?

Mr. Harris: Yes, your Honor.

The Court: Mr. Prim?

Mr. Prim: Yes, sir.

Mr. Harris: Mr. Caughey. [52]

ROBERT A. CAUGHEY

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I want your name and the spelling of your name.

The Witness: Robert A. Caughey, C-a-u-g-h-e-y (spelling).

Direct Examination

By Mr. Harris:

Q. Sir, may I ask you for the record, the pronunciation of your name now? A. Caughey.

Q. Mr. Caughey, for the record, would you state your name, please?

A. Robert A. Caughey.

Q. And what is your address?

A. 1333 Northeast 47th Avenue, Portland, Oregon.

Q. And what is your occupation?

A. Passenger Agent, United Air Lines.

Q. And where are you employed?

A. Employed at Portland, at Portland International Airport.

Q. And how long have you been so employed?

A. Over six and one-half years. [53]

Q. And what are some of your duties as Passenger Agent?

A. Selling tickets, making reservations, checking baggage, passenger relations in general.

Q. And just what does United Air Lines do?

(Testimony of Robert A. Caughey)

A. They carry passengers, mail, express and freight, interstate and intrastate commerce.

Q. Are they a common carrier?

A. Yes, they are.

Q. And do they operate an air line between Portland and Seattle? A. Yes, they do.

Q. Did they operate one on January 5th, 1953?

A. Yes, they did.

Q. Were you working on that—on January 5, 1953, as a passenger agent for United Air Lines?

A. Yes, I was.

Q. And at Portland? A. Yes.

Q. At that time did you—did United Air Lines have a flight that was leaving Portland for Seattle?

A. Yes.

Q. What—do you remember what time of the day it was, or do they have more than one?

A. Well, there are numerous flights. There [54] was approximately fifteen a day between Portland and Seattle.

Q. Sir, I am handing you Plaintiff's Exhibits 1 and 2, and I will ask you to state, if you know,—if you have ever seen those before?

A. Yes, I have.

Mr. Prim: If it please the Court, I wonder if you would ask the witness to speak louder? It is difficult.

The Court: Yes, Mr. Caughey, if you would speak up so that Counsel at Defendants' table may all hear. It is necessary that they all hear all the testimony.

(Testimony of Robert A. Caughey)

Mr. Harris: Did you get the last answer?

The Court: You stated you had seen Exhibits 1 and 2 before?

The Witness: Yes, I have.

Q. (By Mr. Harris): And where?

A. I saw them when I issued them at Portland on January 5.

Q. Of what year? A. 1953.

Q. And to whom did you issue them?

A. They were issued to Mr. and Mrs. Blassingame.

Q. And who, if anyone, purchases them from you?

A. Mrs. Blassingame was the one who purchased the [55] tickets.

Q. Was she alone at that time, or with someone?

A. There was a man with her.

Q. And do you see that man here in the courtroom today? A. Yes, I do.

Q. Can you point him out, please?

A. Yes, he is sitting at the end of the table there.

Q. At the end of the table? A. Yes.

Q. And the woman that was with him, Mrs. Blassingame, are you able to identify her?

A. I couldn't identify her positively, no.

Q. Are you able to describe her?

A. She was a white woman, dark blonde, I would say.

Q. All right. Now, in reference to Plaintiff's Exhibits 1 and 2, what is their purpose, or what do they stand for?

(Testimony of Robert A. Caughey)

A. Well, these are the passengers' coupons from Air Line tickets. The flight coupon has been removed from the ticket. This is the passenger's coupon, and the passenger can keep it for his own records.

Q. And the other coupon that is removed is kept by whom? [56]

A. Kept by United Air Lines.

Q. Who writes the name Mr. and Mrs. Blassingame on these tickets?

A. At the time those were issued, the issuing agent wrote the names on them.

Q. Do you know for what flight these tickets were issued? What the number of the flight was?

A. Those tickets were issued for flight No. 675. However, the reservation at the time the tickets were issued was not confirmed.

Q. What time does the flight leave from Portland?

A. That flight at that time left at 3:45 in the afternoon.

Q. And how long a trip is it from Portland to Seattle?

A. Forty-five or fifty minutes. Scheduled fifty minutes on the schedule.

Mr. Harris: Thank you. Your witness.

(Testimony of Robert A. Caughey)

Cross-Examination

By Mr. Kosher:

Q. What time did you sell these tickets, do you remember?

Mr. Harris: Excuse me. May I ask another question?

The Court: Do you withdraw your question?

Mr. Kosher: Yes. [57]

Further Direct Examination

By Mr. Harris:

Q. And where in Seattle does that flight land?

A. That lands at the Seattle and Tacoma Airport.

Mr. Harris: Thank you.

Cross-Examination

(Continued)

By Mr. Kosher:

Q. What time did you sell those tickets?

A. It was fairly early in the afternoon.

Q. Well, about what time?

A. I would say 1:30 or 2:00 o'clock.

Q. How do you fix the time?

A. Well, if I remember correctly, and I believe I do, I was working the day shift at that time and I would have been off duty at 3:45.

Q. And the flight left at what time, did you say?

(Testimony of Robert A. Caughey)

A. 3:45 is the scheduled departure time of the flight.

Q. Did you go home before the flight left?

A. No, it usually takes—well, it always takes at least fifteen to twenty minutes for a ticket agent to check out and get his books balanced out, and oftentimes longer.

Q. And your best recollection is that you sold these tickets between 1:00 and 2:00 o'clock in the afternoon?

A. That is right. [58]

Q. Now, did you sell a lot of tickets that day?

A. I can't say definitely we sold a lot. Some days are heavier than others. When we are ticketing, we normally sell quite a number of tickets.

Q. You say you are able to identify this gentleman next to me as one of the men at the ticket office?

A. Yes.

Q. But you are not able to identify the woman? Is that correct?

A. That is correct.

Q. Do you see the little lady back there in the audience? Will you take a good look at her?

A. Which one are you referring to?

Q. The girl in the white coat.

A. I see her, yes.

Q. Do you recognize her as anybody that may have been in late that day?

A. No, I don't.

Q. Could she have been there, so far as you know?

A. She could have been there, however, not with Mr. and Mrs. Blassingame.

(Testimony of Robert A. Caughey)

Q. You got a good look at these people, didn't you?

A. I got a good look at them, yes. I remember Mr. Blassingame more than Mrs.

Q. Now, as a matter of fact, you say that [59] Mrs. Blassingame purchased the tickets; is that right?

A. Yes.

Q. Are you positive of that? A. Yes.

Q. Did she sign anything at that time?

A. No.

Q. And who paid you for the tickets?

A. Mrs. Blassingame gave me the money.

Q. Are you sure of that, also? A. Yes.

Q. Now, you don't see anybody in this courtroom right now that you can identify as the lady that told you she was Mrs. Blassingame, can you?

A. No one I can identify positively, no.

Mr. Kosher: That is all.

Cross-Examination

By Mr. Prim:

Q. Where——

Mr. Kosher: Excuse me.

Q. (By Mr. Kosher): You don't know whether the people who bought these tickets actually got aboard the plane, do you?

Let me ask you this: Did you see them get aboard the plane?

A. No, I did not see them get aboard the [60] plane.

(Testimony of Robert A. Caughey)

Mr. Kosher: I think that is all.

Q. (By Mr. Prim): Where is the ticket window with respect to the flight where the planes take off?

A. The ticket window is near the window, or the gate where the flights are loaded.

Q. Can you see the people there at all?

A. We can see the people when we are at the ticket counter, yes.

Q. Did you move from the ticket counter?

A. We always go into a back office that we have to check our cash out.

Q. I believe that you stated that you couldn't of your own personal knowledge—you don't know whether the people who purchased those tickets used them?

A. On that, I cannot answer positively, no.

Mr. Prim: That is all.

Mr. Harris: That is all, Mr. Caughey.

May Mr. Caughey be excused, your Honor?

Mr. Kosher: I don't care to have him remain.

The Court: Mr. Caughey, you may be excused.

Mr. Harris: Thank you.

(Witness excused.)

Mr. Harris: Patsy McCandless. [61]

PATSY RUTH McCANDLESS

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I want your name and the spelling of your name, please.

The Witness: Patsy Ruth McCandless.

The Clerk: Patsy, P-a-t-s-y? (Spelling.)

The Witness: Ruth.

The Clerk: R-u-t-h? (Spelling.)

The Witness: McCandless, M-c-C-a-n-d-l-e-s-s.
(Spelling.)

Direct Examination

By Mr. Harris:

Q. Would you state your name now again for the record, please?

A. My name is Patsy Ruth McCandless.

The Court: A little louder, please.

The Witness: My name is Patsy Ruth McCandless.

Q. (By Mr. Harris): Is that Miss or Mrs?

A. Mrs.

Q. And where do you reside, Mrs. McCandless?

A. I beg your pardon?

Q. Where do you live? [62]

A. 1317½ Yesler.

Q. That is here in Seattle, is it? A. Yes.

Q. How old are you? A. I am 21.

Q. Pardon? A. 21.

Q. When were you born?

A. December 14, 1932.

(Testimony of Patsy Ruth McCandless.)

Q. And where?

A. Shreveport, Louisiana.

Q. How long have you been in Seattle?

A. I have been in Seattle three years.

Q. How long? A. Three years.

Q. Three years? A. Yes.

Q. Do you know the Defendant, Sam Blassingame? A. Yes, I do.

Q. Do you see him here in the courtroom today?

A. Yes.

Q. Can you point him out?

A. Yes, that is him, right there (indicating).

Q. Pardon?

A. That is him right there on the corner there (indicating). [63]

Q. On the far corner? A. Yes.

Q. And do you know Pat Lewis?

A. Yes, I do.

Q. Do you see her here today? A. Yes.

Q. Where is she?

A. She is sitting right there, in the white dress.

Q. All right; now, when did you first meet Sam Blassingame?

A. Well, it was in January, when I first met him at a friend of mine's by the name of Beulah Smith.

Q. January of what year?

A. The latter part of 1952.

Q. You met her in the last part of 1952?

A. Yes, it was—yes, it was '53, or the first part of '53.

(Testimony of Patsy Ruth McCandless.)

Q. When was it you first met Sam Blassingame?
—if you ever did?

A. I just told you when I first met him.

Q. You told me the last part of 1952, January;
that doesn't make sense.

A. In 1953, the first part.

Q. When, in 1953? [64]

A. In January.

Q. What part of January?

A. I don't know the exact date.

Q. And was it the first part, or the last part?

A. All I know, it was in January.

Now, whether it was the last part or the first part,
I do not know.

Q. All right; and where was it?

A. At Beulah Smith's house.

Q. And where is her house located, or where was
it at that time?

A. Her house is located on Yesler, on the corner
of Seventh and Yesler.

Q. Here in Seattle? A. Yes, it is.

Q. When you first saw Sam Blassingame, was he
alone or with someone?

A. No, he was with Pat.

Q. Pat who? A. Pat Lewis.

Q. Pat Lewis? A. Pat Lewis.

Q. Where was she?

A. She was with Sam at Beulah Smith's house.

Mr. Kosher: I am very sorry; I can't hear [65]
this witness.

(Testimony of Patsy Ruth McCandless.)

The Court: You will have to speak up a little bit.

Mr. Kosher: Could I sit on the other side?

The Court: If you wish. Keep your voice up so that the jury and the Defendants and the attorneys may all hear.

Q. (By Mr. Harris): At that time, did you have a conversation with Sam Blassingame?

A. Yes, I did.

Q. What was that conversation?

A. Well, he asked me about being his old lady.

Mr. Prim: If it please the Court, may I have a running objection to things she may testify as to what Sam Blassingame said to her not in the presence of my client, that it doesn't apply to my client?

The Court: The record isn't clear as to who may have been present. However, any testimony as to conversations—statements—made by the—allegedly made by the Defendant Lewis, or the Defendant Blassingame, would not necessarily be binding upon the Defendant Lewis until such time as there may be sufficient evidence to establish a conspiracy.

Mr. Kosher: I object to this question on the ground [66] it isn't responsive. I think the question was, did you have a conversation, and she attempted to relate what it was. The question should have been answered "yes" or "no."

The Court: Well, you might,—to clarify the record, you might—ask that question over again, Mr. Harris.

Q. (By Mr. Harris): Mrs. McCandless, did you

(Testimony of Patsy Ruth McCandless.)

have a conversation with the—with Sam Blassingame at that time? A. Yes, I did.

Q. What did—who was—was Pat Lewis present then? A. No, she had gone out.

Q. All right; and what did he say?

A. What did he say to me at that time?

Q. Yes.

A. Why, just that, what he said. He asked me to be his old lady.

Mr. Kosher: Just a minute. I object to that on the grounds it is immaterial and has no connection to this case, and I move it be stricken, and the jury instructed to disregard it. It couldn't tend to prove or disprove any issue in this case.

The Court: It would seem to be immaterial [67] at this time, Mr. Harris, unless it is connected up—this particular conversation, or that particular statement.

Mr. Harris: I would say this, that the purpose of this testimony is to go to the intent of the Defendant Blassingame, and I think that his conversation—that it is close enough in point of time, to be material as to that issue.

The Court: Well, if that is in the conversation had, I don't believe it is. I will reserve ruling on the matter, and may strike it. You call it to the Court's attention later, Mr. Kosher.

Mr. Kosher: All right.

The Court: At this time, the Court will reserve ruling, but will act on it, depending upon what the subsequent testimony may be.

(Testimony of Patsy Ruth McCandless.)

Mr. Harris: Thank you, your Honor.

Q. (By Mr. Harris): And, by asking you to be his "old lady," was that explained, or what was that?

Mr. Kosher: The same objection on the grounds it is immaterial, and tends to prove a commission of a separate and distinct offense not in any way related to the offense charged.

The Court: I am inclined to sustain the objection, Mr. Harris. [68]

Mr. Harris: Your Honor, I would like to request that Counsel, if he desires to have a running objection to all this, be allowed that until I am able, if I am able, to link it up and show its materiality, and I think that it does go basically to the intent of the defendant, and that the conversation that this witness had with the defendant as related to this particular charge in the Indictment is closely enough connected in point of time as to be material as to that element of the crime, if your Honor pleases.

Mr. Kosher: If your Honor pleases, this proffered testimony is of a highly inflammable nature and if he is going to make any offer of proof, I think it should be done outside of the presence of the jury.

The Court: All right, we will excuse the jury.

Ladies and Gentlemen of the Jury:

The Court will take a short recess at this time. I call your attention to the admonition given you on other occasions of a recess, and ask you to heed it at this time.

(Testimony of Patsy Ruth McCandless.)

The Court will call you back as soon as we dispose of this legal issue.

(Whereupon, the jury retired from the courtroom.)

The Court: All right, Mr. Harris, if you will make your offer. [69]

Mr. Harris: Let me just remind the Court that this is the position of the Government at this time under the authority of the cases shown in this District and decided by the United States Supreme Court; similar or like instances may be shown as only to go to the intent of the individual involved. That is the basic reason for this particular testimony. But, it also contains certain portions which I think go to the actual offense itself—the conspiracy.

Now, it is the intention of the Government to prove by and through this witness that at a time, and it will later be established about ten days or about a few days, a little over a week after the arrival of the Defendants Lewis and Blassingame in the City of Seattle, this defendant went to work in a house of prostitution located at 724 22nd Avenue South, in the City of Seattle with the Defendant Pat Lewis.

The Court: You mean this witness?

Mr. Harris: This witness here. That the Defendant Blassingame made arrangements for the rental of that house, and, in fact, did rent it under

(Testimony of Patsy Ruth McCandless.)

an assumed name, and paid the rent for it, and collected the money, not only from this witness, but from Pat Lewis, that was earned there through acts of prostitution, and this continued for approximately one month after the rental [70] of this house located there.

That this witness——

The Court : Can this witness testify to these matters?

Mr. Harris: Yes, that this witness performed acts of prostitution averaging seven or eight in the evening, averaging ten dollars, and that the price was set by——

The Court (Interposing): I think there is sufficient showing. It was entirely unrelated.

Mr. Harris: At the time it was, yes, your Honor, but it was preliminary as to her introduction to the Defendant Blassingame.

Mr. Kosher: May I, for the record, object to it on the grounds it tends to prove a separate and distinct crime and it wouldn't have any bearing on the question of whether or not he and she conspired together to leave Portland for the purpose of this lady engaging in prostitution — the fact that another one at another time engaged in prostitution.

I can see where it might be material for her to testify that she knew this girl practiced prostitution, but for him to show that he induced this girl to practice prostitution and get some of the earnings for it, is a separate and distinct crime, in no way related to this case, and the very purpose is to in-

(Testimony of Patsy Ruth McCandless.)

flame the jury against [71] this man, and to let them know he is a procurer and pimp and that he lived off the earnings of prostitutes and I think the Court has discretion in this matter and I think this testimony should be sifted out, and only things bearing on him leaving Portland with this woman, and her engaging in practicing prostitution should be in; but, for this girl to be reciting about her practicing prostitution and going to this house has no bearing on him leaving Portland and this girl.

The Court: It may be, Mr. Kosher, at the conclusion of the testimony or further along testimony admitted such as this would be subject to being stricken if the testimony of this witness and other testimony does not establish its relevancy, or its admissibility or probative value. But, that would not prevent it from going in at this time, and that will be the ruling of the Court.

Mr. Prim: The only thing I had in mind, your Honor, I wonder if the case Mr. Harris has is not similar—that is, if he had an understanding with this girl to go from Portland to some other place, or from Seattle to Portland, performing a conspiracy, or something of that nature. It would seem that that would be of probative value, but the way it is now, the crime which he is stating that she committed, is not a crime against the United States. [72]

It is a crime against the City or State of Washington, but not the United States at all, your Honor.

The Court: I take it the issue presented here further goes to intent.

(Testimony of Patsy Ruth McCandless.)

Mr. Harris: That is right.

The Court: As to the conspiracy.

Mr. Harris: That is right.

The Court: I mean for the formulating of a conspiracy; is that not it?

Mr. Harris: Yes, your Honor.

The Court: All right. You will call the jury.

(Whereupon, the jury was returned to the courtroom.)

The Court: You may be seated.

It is stipulated that the jury and the defendants are present in the courtroom?

Mr. Harris: Yes, your Honor.

The Court: Mr. Prim and Mr. Kosher, you so state?

Mr. Kosher: Yes.

Mr. Prim: Yes.

The Court: You may proceed.

Q. (By Mr. Harris): Now, Mrs. McCandless, you said, I believe, that Mr. Blassingame, Sam Blassingame, asked you to be his old lady? [73]

A. That is right.

Q. Do you know what he meant by that?

Mr. Kosher: I object to that on the grounds it is immaterial.

The Court: Objection sustained.

Q. (By Mr. Harris): Did Sam Blassingame ask you anything else at that time? A. Yes.

Q. What did he ask you?

A. He talked to me about the house, you know,

(Testimony of Patsy Ruth McCandless.)

going to this house of prostitution, so I told him I wouldn't know, I would have to make my mind up.

Q. What did he say then?

A. He said——

Mr. Kosher: I object to that on the grounds it is immaterial.

The Witness: Shall I finish my answer?

Mr. Harris: No, you will have to wait.

The Court: Objection overruled.

Mr. Harris: Yes, now you may finish.

The Court: I am going to advise the jury at this time:

Members of the Jury:

The crime charged here is conspiracy. The [74] fact that there may be evidence that will relate to other matters which may be a crime under some other state law, or otherwise, is not to be considered by you as evidence of commission of a crime here charged.

The fact that there may be another crime or possibly another crime, or a violation of the state law, is to be distinguished from the crime alleged in this case.

You may proceed.

Q. (By Mr. Harris): What else did he say then, if anything?

A. So, I said, "Let me think it over." So he said, "O.K."

Q. And did you then see him later after that?

A. Yes, I did.

Q. How much later?

(Testimony of Patsy Ruth McCandless.)

A. About three days after that.

Q. About three days?

A. Yes, that I seen him.

Q. And where did you see him then?

A. He came to Beulah's house to tell me—to find out what I had said and I said, "Yes."

Q. And what did you do, if anything?

A. Then he told me to get my clothes from Beulah's. [75]

Q. And did you?

A. Yes, I got my clothes, and packed them, and everything.

Q. Pardon?

A. I got my clothes and packed them.

Q. Keep your voice up.

A. I got my clothes and I packed them.

Q. All right, then what happened?

A. Then I moved from Beulah's. He moved me in his car.

Q. Who did? A. Sam Blassingame.

Mr. Kosher: I object to that on the grounds it is immaterial and tends to prove a separate and distinct offense in no way connected with the offense here charged.

The Court: Objection overruled.

Q. (By Mr. Harris): Who—in whose car did you move? A. In Sam Blassingame's car.

Q. And was he with you at that time?

A. Yes, he was.

Q. And where did you go, if any place?

(Testimony of Patsy Ruth McCandless.)

A. I moved—he move me to 724 22nd Avenue South.

Q. Were you with Mr. Blassingame when he rented that house? [76]

A. Yes, I was.

Q. Where—what were the circumstances around that?

A. Well, when he went to rent the house, the real estate man wasn't there, and he talked to the lady downstairs, and she told him either he could get in touch with the real estate man, so he came back and got in the car and went to the real estate office.

Q. You and Sam Blassingame? A. Yes.

Q. In whose car?

A. In his car, Sam Blassingame's car.

Q. What happened then?

A. We picked the real estate man up and came back to this house, 724 22nd Avenue South, and Sam Blassingame rented the house under a false name.

Q. How do you know that he rented the house under a false name?

A. Because I was right there.

Q. Do you know what name he used?

Mr. Kosher: Just a minute. I object to that on the grounds it is immaterial.

The Court: Objection sustained.

Mr. Kosher: I ask the Court to instruct the Jury.

The Court: And the Jury will disregard the

(Testimony of Patsy Ruth McCandless.)

answer to the last question, that is, relative to the false name. [77]

Mr. Harris: May I ask this question, still conscious of your Honor's ruling?

The Court: You may put it.

Q. (By Mr. Harris): Under what name did Sam Blassingame rent this house?

A. Robert Morse.

Mr. Kosher: Same objection.

The Court: Objection sustained. I don't think it is material, if it was a name other than his own. He rented the house, whether in his name or otherwise, is not material.

Mr. Harris: All right, your Honor.

Q. (By Mr. Harris): Now, did you stay at 724 22nd Avenue South? A. Yes, I did.

Q. And was that located in the City of Seattle?

A. It certainly was.

Q. And who else, if anyone, stayed there with you?

A. Well, Pat Lewis stayed there, and also Sam Blassingame.

Q. All right; now, what, if anything, did Sam Blassingame tell you while you were there at the house?

A. Well, he told me—he was talking to me about how—how to—— [78]

Mr. Prim (Interposing): I can't hear.

The Court: You will have to speak up.

A. (Continuing): He was talking to me about how much to charge these——

(Testimony of Patsy Ruth McCandless.)

Mr. Kosher (Interposing): Just a minute. I object to that on the grounds it is immaterial.

The Court: Well, it would seem to be immaterial. The Court will sustain the objection at this time.

Mr. Kosher: May we have the Jury instructed to disregard the answer?

Mr. Harris: May I lay a further foundation, your Honor?

The Court: You may proceed.

Q. (By Mr. Harris): And was this—did you have a conversation with Sam Blassingame?

A. Yes, I did.

Q. At 724 22nd Avenue South? A. Yes.

Q. And when was this?

A. When was this?

Q. Yes, was it right after you moved there, or a month—

A. Yes, right after I moved there.

Q. The day after, or two days, or what? [79]

A. Well, we moved in that night.

Q. All right, and when was this conversation?

A. He talked to me the same night.

Q. All right; was Pat Lewis present at that time that he talked to you?

A. Yes, she was in the house.

Q. Was she present in the same room, so that she could hear the conversation?

A. No, she was upstairs.

Q. All right. Now, was anyone else present

(Testimony of Patsy Ruth McCandless.)

when this conversation was had by you with Sam Blassingame? A. No.

Q. And what was that conversation?

Mr. Harris: Wait a minute. We will see if—

Mr. Kosher: I object to that on the grounds it is immaterial.

The Court: Well, I don't know what the conversation is yet, so that you may proceed with the answer.

Q. (By Mr. Harris): What was that conversation?

A. Well, it was about how much to charge these men that we were going to have times with.

Mr. Kosher: I object to it on the grounds it is immaterial and move that it be struck.

The Court: Objection overruled. [80]

Q. (By Mr. Harris): What kind of times with men were you going to have?

A. Well, he told me to charge them ten dollars.

Q. For what?

A. For having intercourse with them.

Q. All right. Now, did you perform tricks of prostitution then, at that house?

A. Yes, I did.

Mr. Kosher: Just a minute. I object on the grounds it is immaterial, and tends to prove a separate and distinct crime, and has no bearing on any of the issues in this case.

The Court: Objection overruled.

The Court again calls the Jury's attention to the fact that evidence of another crime other than

(Testimony of Patsy Ruth McCandless.)

charged here is not to be used by you in determining the guilt of the defendants in this case.

It may have some bearing on the intent and purpose of the defendants on the charge here alleged.

Q. (By Mr. Harris): To your knowledge, did Pat Lewis perform acts of prostitution at that address? A. Yes.

Q. How long were you and Pat Lewis working there as [81] prostitutes?

A. For about one month.

Q. Did you earn any money at that time?

A. Yes, I did.

Q. Approximately how much?

A. Well, at night, I made from seventy to eighty dollars.

Q. A night? A. Yes.

Q. What did you do with that money, if anything?

A. I gave it to Sam Blassingame, every penny of it.

Mr. Kosher: I object to that on the grounds it is immaterial and tends to prove the commission of a separate and distinct crime, and has no relationship to the issue in this case.

The Court: Objection overruled. The Court will rule as before, and give the same instruction as a moment ago to the Jury in regard to this answer.

Q. (By Mr. Harris): Did you ever see what Pat Lewis did with her money?

A. Yes, I did, once.

Q. What did you see?

(Testimony of Patsy Ruth McCandless.)

A. I seen her give it to Sam Blassingame. [82]

Q. All right; did she ever make a statement to Sam Blassingame about the amount of money she earned?

A. Yes; not the amount, but she mentioned this much: we were all downstairs, and he wouldn't get her clothes out of the cleaners and he was getting mine out and she said "I don't see why you won't get mine out, because I make more morney in a night than she makes in one week."

Q. Did Pat Lewis ever have a conversation with you at that time that you were living at 724 22nd Avenue South concerning a trip to Portland?

A. Yes, she mentioned something about Portland when Sam had went to Portland.

Q. She did? A. Yes.

Q. Do you know when that was, when that conversation took place?

A. Well, it would have been about two weeks after we were living in this house.

Q. Is that the best of your recollection?

A. Yes, it is.

Q. Was anyone else present when she said that?

A. No, her and I were just there.

Q. What did she say then?

Mr. Kosher: Just a minute. On behalf of the Defendant Blassingame, I object on the grounds it is hearsay [83] as to him.

The Court: This testimony is not binding and will not be considered as to the Defendant Blassingame, the conversation with the Defendant Lewis,

(Testimony of Patsy Ruth McCandless.)

until such time as the Jury may determine, after all the evidence is in, that there may have been a conspiracy and then it may be considered as to the Defendant, but first, you must find before this testimony may be considered as to the Defendant Blassingame—in other words, conversation with Lewis—there must first be a finding on your part beyond a reasonable doubt that the Defendants were engaged in a conspiracy alleged in the Indictment.

Mr. Kosher: Furthermore, if your Honor please, as I understand the testimony, this took place after these Defendants were arrested.

The Court: The dates haven't been fixed here.

Mr. Kosher: I think that the Government should fix the time, then.

The Court: It should.

Mr. Harris: I intend fixing the date of the arrest on this charge, yes, your Honor; but yet there is no testimony to that effect.

The Court: I don't know if the date of the conversation is very specific. It may be, however. I think she said after she was there two weeks. [84]

Mr. Harris: And she said that was her best recollection.

Q. (By Mr. Harris): Is that correct?

A. Yes.

Mr. Prim: I got it she said she went there sometime in January, and he asked whether the first or the last part of January, and she couldn't say.

The Court: If you wish to have it fixed more closely——

(Testimony of Patsy Ruth McCandless.)

Mr. Prim (Interposing): Yes, your Honor.

The Court: All right, the Government may——

Mr. Harris (Interposing): I intend to fix that time by another witness so that there will be no question. This witness, I believe I have exhausted her recollection.

The Court: Let me ask a question or two.

With regard to these conversations you had, this last conversation with the Defendant Pat Lewis, what is—that occurred at 724 Twenty-second Avenue South?

The Witness: Yes, it did.

The Court: What is your best recollection as to the date? Was it in January?

The Witness: In the same month.

The Court: January, 1953?

The Witness: Yes. [85]

The Court: What is your best recollection as to the part of January?

The Witness: Well, your Honor, I don't know, because I am not very good at keeping up with dates.

The Court: You stated, I believe, it was about two weeks after you moved in the house at 724 22nd Avenue South?

The Witness: Yes.

The Court: And that is as close as you can fix it?

The Witness: Yes.

The Court: And it was in January?

The Witness: Yes.

(Testimony of Patsy Ruth McCandless.)

The Court: It would seem about as close as we can fix it, Mr. Prim. If you wish to ask more questions——

Mr. Kosher: Might I ask her further questions? Do you know whether or not this conversation you say you had with Pat Lewis took place after she had been arrested by the city police and some airplane tickets were taken from her person?

The Witness: It took place before she had been arrested.

Mr. Kosher: Before she had been arrested?

The Witness: That is right.

Mr. Kosher: You are sure of that? [86]

The Witness: Yes, I am sure of it.

Mr. Kosher: Was that in the early part——

Mr. Harris: Now, we are getting beyond this, because the next question that is asked——

The Court (Interposing): I think——

Mr. Harris (Continuing): I can anticipate it.

The Court (Continuing): ——the most we can do here is to get her best recollection as to time. Any other question as to time of this meeting, the Court would consider. Have you any further question on that issue?

Mr. Kosher: Well, I guess that is it. I cannot ask her any more questions.

Mr. Harris: I think he can, but at the proper time, your Honor.

The Court (In cross-examination): I am talking about voir dire.

(Testimony of Patsy Ruth McCandless.)

Q. (By Mr. Harris): What, if anything, was said then by Pat Lewis to you concerning a trip to Portland?

A. Well, she said that her and Sam went to Portland.

Mr. Prim: I can't hear you.

The Court: Speak up a little louder.

A. (Continuing): She said her and Sam had went to Portland. [87]

Q. (By Mr. Harris): Had went?

A. Had gone to Portland; had already been to Portland.

Q. All right. A. Yes.

Mr. Harris: Your witness.

Cross-Examination

By Mr. Kosher:

Q. Now, you say that conversation and all these transactions took place sometime in the early part of January, 1953?

A. I didn't say in the early part, because I don't remember the date or anything.

Q. Now, could it have taken place in December?

A. No, it didn't take place in December. It was in January, but about the time I do not remember.

Q. Now, did you know both of these people before you went out to this house?

A. Yes, I knew them both before I went out there.

Q. How long had you known them?

(Testimony of Patsy Ruth McCandless.)

A. How long had I known them before?

Q. Yes.

A. I had just met Sam about three or four days before we went out there.

Q. Now, you are sure that this going to the house, [88] practicing prostitution, and having all these conversations that you testified to, took place before Pat Lewis was arrested, and the airplane tickets taken from her person?

Mr. Harris: Just a minute, your Honor. I will object to that, unless Counsel will say when she was arrested.

Mr. Kosher: Let me ask you this:

Q. (By Mr. Kosher): Do you know when she was arrested by the city police and the airplane tickets taken from her person?

A. No, I do not.

Q. You don't know that? A. No.

Q. All right, now, if she were arrested January 6th, 1953, would you say that all these activities took place before that?

A. I beg your pardon?

Q. If she were arrested January 6th, 1953, would you say that all these activities you testified to took place before that date?

A. As I said before, I don't remember dates too good.

Q. Well, now, didn't you tell me a little while ago that all this took place after she was [89] arrested?

Mr. Harris: I will object to this questioning

(Testimony of Patsy Ruth McCandless.)

with the hope that your Honor will overrule me so that I can pursue this matter a little further on the arrest.

The Court: Do you object, or withdraw the objection?

Mr. Harris: No, I object, your Honor.

The Court: On what ground?

Mr. Kosher: I will withdraw my question.

Q. (By Mr. Kosher): Now, young lady, what we are trying to get at is when these activities took place.

You say sometime in January, 1953, is that right?

A. That is right, yes.

Q. And how do you fix the time; can you tell us that?

A. No, I can't, because I don't remember the date. I keep saying it over and over, I do not remember the date.

Q. Well, can you tell us about when it was?

A. No, I can't.

Q. Did it take place in December or January or February, or when? A. In January.

Q. How do you know it was January?

A. How do I know it was January?

Q. Yes; you say you are not good at dates, but how [90] do you know it was in the month of January? Is there anything that fixes that month in your mind?

A. I know when I moved to Beulah Smith's house, it was in January.

Q. All right, what part of January?

(Testimony of Patsy Ruth McCandless.)

The Witness: Do I have to answer?

Mr. Harris: If you can.

A. I keep telling him I don't remember the dates.

Q. (By Mr. Kosher): Well, was it the first part of January?

A. I don't know whether it was the first part of January, the middle part of January, or the last part. It was in January, and that is all I remember.

Q. You don't know whether it was the first or the middle, or the last part? A. No, I don't.

Q. Now, have you ever been convicted of a crime? A. Yes, I have.

Q. And what time?

A. For disorderly conduct.

Q. And when?

A. When I first came to Seattle.

Q. When you first came to Seattle; that was how many years ago?

A. That was two years ago. [91]

Q. Now, when you say "disorderly conduct," that involves an act of prostitution, does it?

A. No, it did not.

Mr. Harris: I will object, your Honor.

I will withdraw my objection. The answer is in.

Q. (By Mr. Kosher): Now, as a matter of fact, you have been a professional prostitute for a number of years, haven't you? A. No, I have not.

Q. You practiced prostitution back in Shreveport, Louisiana?

(Testimony of Patsy Ruth McCandless.)

A. I have never been arrested for prostitution.

Q. I didn't ask you that.

A. And I never practiced; no, I did not, and I never practiced prostitution no place except when I started here.

Q. When you were living out at Mrs. Smith's place, what did you do for a living?

A. Mrs. who?

Q. Where were you living?

A. At Beulah Smith's.

Q. Mrs. Smith? A. Yes. [92]

Q. What were you doing for a living there?

A. I had a job at Snow Flake Laundry, and I had just quit, and I had a check coming from this job when I quit, and that is when I met Sam and I started practicing prostitution with Sam.

Q. Now, as a matter of fact, hadn't you been practicing prostitution out at Mrs. Smith's house for some time prior to the time you met Sam Blas-singame? A. No.

Q. Isn't it a fact that she also practiced prostitution?

A. What she does, I do not know, and I don't have anything to do with what she does.

Q. You lived there, didn't you?

A. I most certainly did. Just because I lived there, does that make me snoop in her business to know what she is doing?

Q. You say you are 21 years of age?

A. That is right.

Q. Are you married? A. That is right.

(Testimony of Patsy Ruth McCandless.)

Q. Where is your husband?

A. He is in Los Angeles.

Q. You are not living with him at the present time? A. No, I am not. [92-A]

Mr. Kosher: I think that is all.

Cross-Examination

By Mr. Prim:

Q. Now, young lady, you stated that on one occasion you saw Pat Lewis give to Sam Blassingame some money? A. That is what I said.

Q. Do you know how much that was?

A. No, I don't know how much that was.

Q. Do you know of your own personal knowledge whether she was repaying him back for a loan, or anything else?

A. I beg your pardon?

Q. Do you know of your own personal knowledge whether or not she was repaying Sam Blassingame for money she had borrowed?

A. Of course, I knew she wasn't repaying him money she had borrowed.

Q. How do you know that?

A. How do I know that?

Q. Yes.

A. I know it because when Sam carried over——

Q. (Interposing): I am asking you if you know of your own personal knowledge on that particular occasion what the money was given to Sam Blassingame for.

(Testimony of Patsy Ruth McCandless.)

A. I just told you, yes, I know. [93]

Q. And then the only way that you knew is because Sam Blassingame had taken you and you performed acts of prostitution and you gave Sam Blassingame your money?

A. Yes, I gave him my money.

Q. You don't know what arrangements he had with Pat Lewis? Or if he had any arrangements at all, isn't that true?

A. I most certainly do know.

Q. How do you know that?

A. Because we discussed before me, Sam and Pat Lewis; that is how I know.

Q. And when did you discuss that before?

A. When we were moving her from her place.

Q. And when did he move her?

A. Right after he got this house.

Q. Pardon?

A. Right after he got this house.

Q. And how long after he got back in town did he go to that place?

A. He moved me one night, and moved her the next night.

Q. And what date was that?

A. I don't know what date it was.

Q. Was that in February?

A. I said I didn't know the date. [94]

No, it wasn't in February.

Mr. Prime: No further questions.

(Testimony of Patsy Ruth McCandless.)

Redirect Examination

By Mr. Harris:

Q. Mrs. McCandless, you have been asked a number of questions concerning the date? A. Yes.

Q. Do you recall the actual renting of the house at 724 22nd Avenue South? A. Yes.

Q. If that date were to be established to be on or about January 21, 1953, would that conversation have occurred one or two days before that and two weeks after that date?

A. Will you say that over again, please?

Q. Are you sure of the date—do you remember definitely the date that the house at 724 22nd Avenue South was rented?

A. Do I remember the date?

Q. Do you remember the renting of the house?

The Court: The question here is the renting of the house, or the date?

Mr. Harris: No, the renting of the house; the actual negotiations to rent the house.

A. Do I remember that? [95]

Q. (By Mr. Harris): Yes.

A. You mean, do I remember the date?

Q. No, do you remember the negotiations between Sam Blassingame and the real estate agent for renting that house? A. Yes.

Q. Are you sure of that now?

A. Yes, I am.

Q. So that, if that date can be fixed—

(Testimony of Patsy Ruth McCandless.)

A. (Interposing): Yes.

Q. (Continuing): —as being January 21, 1953, would that be a definite date in your mind?

Mr. Kosher: What date is that, Counsel?

Mr. Harris: January 21, 1953.

Q. (By Mr. Harris): As the date that the house was rented, would that be a definite date then in your mind as to the relationship of these conversations with Sam Blassingame and Pat Lewis; do you understand my question?

A. Yes, I understand it. I think I understand it, yes.

Q. Have you an answer to it? A. Yes.

Q. And what is your answer? [96]

A. Yes.

Mr. Harris: All right, your witness.

Recross-Examination

By Mr. Kosher:

Q. Now, are you and Mr. Blassingame good friends right now?

A. What do you mean, are we good friends?

Mr. Harris: I object to that. I asked one question on rebuttal.

The Court: Objection sustained.

Mr. Kosher: I would like the right to renew my cross-examination of this witness. I overlooked something.

The Court: The Court will grant the request. You may proceed.

Q. (By Mr. Kosher): Will you tell me whether

(Testimony of Patsy Ruth McCandless.)

or not you and Sam are on friendly terms right now? A. Yes, I can tell you.

Q. Are you? A. No.

Q. Isn't it a fact that you wanted him to divorce his wife and marry you?

A. How could that be, when I am already married? No, that is not true. [97]

Q. Didn't you tell him——

Mr. Harris: Your Honor, for the record, may I object to these last two questions that have been asked on the grounds they are immaterial and ask that the answers be stricken?

Mr. Kosher: If they go to show her bias and prejudice——

The Court: They have been answered. The Court will let them stand.

Mr. Harris: All right, thank you.

Q. (By Mr. Kosher): As a matter of fact, you had Mr. Blassingame arrested once, didn't you?

A. Yes, I had him arrested because Mr. Blassingame beat me up and wouldn't give me my clothes.

Q. Then, from that time on, you and he have been on very bad terms, isn't that right?

A. That is right.

Q. And didn't you threaten Mr. Blassingame and tell him you were going to try and send him to the penitentiary if you could?

A. No, if anything, Mr. Blassingame threatened me. No, I did not.

Q. You knew he was a married man, didn't you?

(Testimony of Patsy Ruth McCandless.)

A. Didn't I know he was a married man? He knew I was [98] a married woman.

Q. That isn't the question.

A. I heard he was living with a woman, but I didn't know Sam Blassingame was married.

Q. You knew he had three children, too, didn't you?

A. No, I did not.

Mr. Kosher: I think that is all.

Re-Redirect Examination

By Mr. Harris:

Q. Now, why did Sam beat you up?

A. Because I told him I was going to leave him.

Q. And by "leave him," you meant what?

A. I meant stop giving him my money.

Q. From doing what?

A. From practicing prostitution for him.

Q. And what did he say?

A. He—after then, I came down on Jackson Street and a guy by the name of Johnny Clark and I was in a little shoeshine parlor.

Q. Don't say anything Johnny Clark said. What did Sam Blassingame do or say?

A. He came in there.

Q. Who did?

A. Sam Blassingame, in the place I was, and jumped on me and beat me, and kicked me, and told me why wasn't I out [99] on the street hustling.

Q. By "hustling," what was meant?

A. Out selling my body in prostitution.

(Testimony of Patsy Ruth McCandless.)

Mr. Harris: That is all.

Re-Recross-Examination

By Mr. Kosher:

Q. As a matter of fact, you had a house you were practicing prostitution in, didn't you?

A. Who had a house?

Q. Didn't you testify you were always in a house? A. Sam Blassingame had.

Mr. Harris: May I object to Counsel interrupting the answer?

The Court: I will object to the question and sustain the objection.

Mr. Kosher: Did you sustain the objection?

The Court: Yes, I don't think it is proper re-cross-examination on this issue.

Mr. Kosher: Well, I think the girl testified he beat her up and told her she ought to be out on the street and my purpose is to show she was never out on the street and she always practiced in a house.

The Court: Well, it might be assumed——

The Witness (Interposing): I can answer that question. [100]

The Court: Well, the Court will sustain the objection without further comment.

Mr. Kosher: All right. I think that is all.

Mr. Prim: That is all.

Mr. Harris: That is all, your Honor.

The Court: That is all.

(Witness excused.)

Mr. Kosher: Now, if your Honor please, I move that all the last witness' testimony be stricken on the ground it hasn't any relevancy.

Counsel fixed the date January 23, 1953. The evidence in this case was that these people were arrested on the 6th day of January, 1954.

Mr. Prim: 1953.

The Court: Well, the record may show your motion and the motion will be denied at this time.

Mr. Harris: I would like to call Mr. Winston, but I understand he is not here.

The Court: Well, it is recess time.

We will take a fifteen-minute recess. Ladies and gentlemen of the Jury:

We will now take the afternoon recess, and the Court calls your attention to the admonition given earlier that you are not to discuss this case, or to reach a conclusion thereon until it is finally submitted to you for [101] your verdict.

You may now be excused, and the Court will remain in session while you leave.

(Whereupon, the Jury retired from the courtroom.)

The Court: Court will recess for fifteen minutes.

Mr. Harris: Thank you, your Honor.

(Whereupon, at 3:10 o'clock p.m., January 21, 1954, a recess was had until 3:25 o'clock p.m., January 21, 1954, at which time, Counsel and Defendants heretofore noted being present, the following proceedings were had, to wit):

Mr. Harris: Your Honor, may the record show at this time I am filing the Plaintiff's requested instructions, and I am serving a copy on the Defendant.

The Court: All right.

You may call the Jury.

The Bailiff: One Defendant is not here, your Honor.

The Court: Where is the Defendant?

Mr. Prim: She will be back in just a minute, your Honor.

(Whereupon, there was a brief pause.)

The Court: You may call the Jury.

Mrs. Lewis, I must advise you you must observe the hours of the recess. When you are not here, we cannot continue. [102]

Mr. Prim: May I advise the Court she is sick, and she was supposed to be to the Doctor. That is the reason for the delay. She is going to the Doctor as soon as we are through here.

The Court: Those are matters that happen to persons, and you should advise your Counsel in advance, so that he may advise the Court so that everyone is aware of what the circumstances are.

(Whereupon, the Jury was returned to the courtroom.)

The Court: You may be seated.

It is stipulated that the Jury and the Defendants are present in the courtroom?

Mr. Harris: Yes, your Honor.

The Court: You may proceed, Mr. Harris.

Mr. Harris: We will call Mr. Winston. [103]

* * *

MILLARD M. BUSH, JR.

upon being called as a witness for and on behalf of the Plaintiff, and upon being first duly sworn, testified as follows:

The Clerk: I want your name and the spelling of it.

The Witness: Millard M. Bush, Jr.

Direct Examination

By Mr. Harris:

Q. Would you state your name, please, for the record? A. Millard M. Bush, Jr.

Q. And what is your occupation?

A. I am a Special Agent with the Federal Bureau of Investigation.

Q. And what is your address?

A. 16802 Eleventh Place Northeast.

Q. And where are you assigned with the Federal Bureau of Investigation? A. Here in Seattle.

Q. And how long have you been so assigned to Seattle? A. Since December 12, 1951.

Q. Were you serving here in Seattle on January 6th, 1953? A. I was. [110]

Q. And in what capacity?

A. As a Special Agent of the F.B.I.

Q. Did you have occasion on that date to talk to the Defendant Pat Lewis? A. I did.

Q. Where? A. At the Seattle City Jail.

(Testimony of Millard M. Bush, Jr.)

Q. When? A. On January 6th.

Q. What time? A. 1953.

Q. What time, sir?

A. In the morning, just prior to her going to court.

Mr. Prim: I didn't hear that.

The Witness: In the morning.

Q. (By Mr. Harris): Was there anyone else present at the time of this conversation?

A. Yes, Dean Ralston, also, was there.

Q. And what, if anything, did you say to the Defendant? Did you identify yourself?

A. Yes, sir; we identified ourselves as Special Agents of the F.B.I.

Q. Did you say anything else to her?

A. We advised her that she did not have to talk to [111] us; she did not have to say anything, but anything she might say could be held against her in a court of law, and we told her she had a right to an attorney.

Q. Did she talk to you after that?

A. She did.

Q. And what did she say?

Mr. Kosher: Just a minute. I object on the ground it is hearsay as to the Defendant Blassingame.

The Court: I will advise the Jury again, as in previous occasions, in similar situations, that the testimony as to a conversation with one defendant is not binding upon the other defendant, and is not to be considered by the jury until after they

(Testimony of Millard M. Bush, Jr.)

should find, when the case is finally submitted to them, that there is, in their judgment, a conspiracy, found by the Jury beyond a reasonable doubt from the evidence that is given, and then may be considered as against both defendants at such time if such a condition is found by you to exist.

You may proceed.

Mr. Harris: Thank you.

Q. (By Mr. Harris): What, if anything, did she say?

A. She advised that on the evening of December 31, 1952, she went to Portland, Oregon, to visit friends, whom she identified as Gangster Mack and Alvina Neuman, and [112] identified those persons by their true names as Madison Wilson.

I meant Little Bit, she identified Little Bit as Alvina Neuman, and she said she went to visit them and she arrived in Portland before midnight, New Year's Eve, December 31 of 1952, and took a taxi to the Chamberlin Hotel, where she registered, and she advised she then went to bed and got up the next day and went to a tavern which was located in Portland, and asked where Alvina Neuman and Madison Wilson were. She found out at this tavern where their new address was. They had moved to a new address. She could not recall the new address, and she took a cab out to the new address and visited them.

She stated she stayed at the Chamberlin Hotel approximately two or three days, and then she moved in out at Madison Wilson's house and stayed

(Testimony of Millard M. Bush, Jr.)

there until January 5, 1953, when she decided to return to Seattle.

She stated that she went to the airport at Portland and there she observed Sam Blassingame.

This was the first time, according to Pat Lewis, that she had seen Sam Blassingame since she left Seattle on New Year's Eve.

She stated that she had known Sam Blassingame merely as an acquaintance, and had no connection whatsoever [113] with Sam Blassingame.

She spoke to Sam Blassingame, and the two decided that they would purchase the tickets as man and wife on United Air Lines inasmuch as that would benefit them as man and wife, the wife could travel at half fare.

She stated that she gave Blassingame the money for her ticket, and Blassingame purchased the two tickets and she stated that the two rode side by side in the plane from Portland to Seattle, and that they arrived in Seattle somewhere after 6:00 p.m. on January 5, 1953, and that they then took the same taxi to an address off of Jackson Street, where Blassingame obtained his car and drove her to 3009½ East Spruce Street.

She stated that subsequently early that morning on January 6th, shortly after midnight, she was arrested by Sergeant Scott and taken to the police station where she was booked.

She admitted tearing the names off of the tickets, Mr. and Mrs. Blassingame from the United Air Line tickets by which they gained passage from

(Testimony of Millard M. Bush, Jr.)

Portland to Seattle, and explained her actions, indicating that Sergeant Scott had been trying to get something on Blassingame, and that she herself was a prostitute and she felt the tickets were incriminating, and she was trying to destroy them. She denied any connection whatsoever with Blassingame and [114] stated he was only a friend and merely an acquaintance that she had met previously in Seattle.

Q. Was that the extent then of your interview at that time? A. That is right.

Q. Mr. Bush, do you recall the date on which a complaint was filed against the Defendant Sam Blassingame and Patricia Lewis, alias Pat Lewis, for the violation of this alleged crime?

A. To the best of my recollection, it was December 3, 1953.

Mr. Harris: Thank you. Your witness.

Cross-Examination

By Mr. Prim:

Q. Now, Mr. Bush, she told you that she had no connection with Sam Blassingame whatsoever, isn't that correct? A. That is true.

Q. And that they travelled—they bought the tickets and she gave him the money and that they travelled because they could get a cheaper rate, isn't that right? A. That is true.

Mr. Prim: No further questions.

(Testimony of Millard M. Bush, Jr.)

Cross-Examination

By Mr. Kosher: [115]

Q. Now, she didn't tell you, did she, that she came over here to Seattle so that she could engage in prostitution, did she? A. She did not.

Q. And did she tell you that she was going to come back to Seattle whether Sam Blassingame was there or not? A. She did not.

Q. Didn't she tell you that she was going to return to Seattle and that it was her intention to return to Seattle when she went to the airport?

A. I don't recall her saying that.

Q. Didn't she tell you when she got to the airport she met Sam Blassingame there?

A. That is right.

Q. And did she tell you what she went to the airport in the first place for?

A. Yes, she said she was going to Seattle.

Q. And she said that her ticket was bought with her own money, is that right?

A. That is true.

Q. And she said that Sam bought his own ticket? A. That is true.

Q. Didn't she also tell you that she knew Sam Blassingame was a married man and the father of three small children? [116]

A. I don't recall discussing Blassingame's marital status at all.

(Testimony of Millard M. Bush, Jr.)

Q. You don't remember that at all; how long did you talk to her, Mr. Bush?

A. Approximately forty-five minutes.

Q. You talked to her more than once, did you?

A. Yes.

Q. How many times did you talk to her?

A. Subsequently, that afternoon. I had suggested she speak with her attorney, Mr. Prim, and I talked to her subsequent to that and asked her if she had anything further to say, and I also talked to her on February 1, 1953, and on January 14th of this year, 1954.

Q. Now, on each of these conversations, didn't you tell her that if she would say Sam Blassingame brought her from Portland to Seattle for the purpose of engaging in prostitution, you would see that nothing would happen to her?

A. We never make any promises.

Q. I ask you if you made any such statement to your knowledge? A. I answered "No."

Q. Did you ever tell her that the FBI was not interested in her at all, but in Sam Blassingame?

A. No, I didn't tell her that. [117]

Q. Did you tell her anything other than you have testified to here?

A. Yes, we talked about, on the 14th of this month here, we talked about Pat's future. She stated that she thought maybe she would reform and that she had written a story and was contemplating going into journalism and pointed out

(Testimony of Millard M. Bush, Jr.)

that she felt that she would leave her career of vice behind.

Q. Didn't she tell you that she had gone all over the United States by herself and that nobody had taken her there?

A. I don't recall her saying that, no.

Q. Didn't she tell you she had gone to Montana and worked at various houses of prostitution there?

A. I don't recall. I have heard her say that she worked as a prostitute in California and Utah, and Seattle, too.

Q. You don't remember her telling you that she didn't need anyone to take her any place, that she could go by herself? A. I don't recall that.

Mr. Kosher: I think that is all.

Mr. Prim: No further questions.

Mr. Harris: Nothing further, your Honor.

The Court: You may step down, Mr. Bush. [118]

(Witness excused.)

Mr. Harris: The Government rests, your Honor.

The Court: The Government rests.

Mr. Kosher: The Government rests?

Well, we would like to make some motions at this time, and would like to make them in the absence of the Jury.

The Court: Ladies and gentlemen of the Jury:

The Court again will excuse you for a short recess, while the Court hears motions on behalf of the Defendant or other applications for legal relief.

The Court calls your attention to the admonition

given earlier. It applies on this occasion, as before.

We will call you back as soon as we have concluded with the hearing in your absence.

(Whereupon, the Jury retired from the courtroom.)

Mr. Kosher: Your Honor, might I stand up here?

The Court: Yes, you may.

Mr. Kosher: Your Honor, if the Court pleases, on behalf of the Defendant Sam Blassingame, I now move this Honorable Court for a directed verdict of acquittal, or, in the alternative, that the Court order this case dismissed on the grounds that the Government has failed to prove a prima facie case against the defendants. [119]

* * *

The Clerk: The Defendants are not here, your Honor.

Mr. Kosher: Mr. Prim is out in the hall now. You recall last evening she was not feeling too well.

Mr. Prim: My client is not here, your Honor. I have received no word from her this morning. I was out in the hallway, but she wasn't there. I don't know.

The Court: Is your client here, Mr. Kosher?

Mr. Kosher: No.

The Court: He isn't, either? Do you think—have you heard from either of them?

Mr. Kosher: No.

Mr. Prim: No.

Mr. Kosher: They live in the South End. They

may have had some trouble in getting in to town. I don't know how the weather is in that end.

The Court: I suggest you make some effort to determine what is delaying them, and we will take a recess until 10:15, and you may get some report on it.

(Whereupon, at 10:05 o'clock a.m., January 22, 1954, a recess was had until 10:07 o'clock a.m., January 22, 1954, at which time, Counsel and Defendants heretofore noted, being present, the following proceedings were [143] had, to wit):

The Court: Have the Defendants any statement to make regarding their tardiness?

Mr. Kosher: Yes, if your Honor please, the car was stuck in snow, and that is the reason they were late.

The Court: That applied likewise to the——

Mr. Prim: They both came together, your Honor.

The Court: All right, the record may so show.

As to the motions made last night, the Court denies the motions without prejudice to their renewal. Of course, the Court's denial doesn't prejudice you, anyway, but the Court wishes to indicate that they may be made at the close of the Defendants' case, and the Court will, in all probability, reserve ruling at that time until after the case comes back from the Jury.

So, we will call the Jury. I received one requested instruction from the Defendants.

Mr. Kosher: That is for both of them, your Honor. We are collaborating on the instructions.

The Court: That is all?

Mr. Kosher: That is all.

(Whereupon, the Jury was returned to the courtroom.)

The Court: You may be seated. It is stipulated that the Jury and the Defendants are present in the courtroom? Mr. Harris? [144]

Mr. Harris: Yes, your Honor.

The Court: Mr. Prim and Mr. Kosher?

(Whereupon, Mr. Prim and Mr. Kosher nodded in the affirmative.)

The Court: You may proceed, Mr. Prim and Mr. Kosher.

(Whereupon, opening statement was made for and on behalf of the Defendant Songahid by Mr. Prim and the following proceedings were then had, to wit):

(Whereupon, opening statement was made for and on behalf of the Defendant Blassingame by Mr. Kosher and the following proceedings were then had, to wit):

Mr. Prim: Will you be sworn? [145]

MARY DONNA SONGAHID

upon being called as a witness for and on behalf of the Defendants, and upon being first duly sworn, testified as follows:

Direct Examination

By Mr. Prim:

Q. Will you state your name?

A. Mary Donna Songahid.

Q. Are you known by any other name?

A. Patricia Lewis and Pat Lewis.

Q. I will ask you whether or not you know Sam Blassingame? A. Yes.

Q. Do you know his wife? A. Yes.

Q. How long have you known him?

A. Since 1949.

Q. Who did you meet first?

A. Mrs. Blassingame.

Q. Did she introduce you to her husband?

A. Yes.

Q. Now, you have had brushes with the law in prostitution and dope, isn't that correct?

A. Yes.

Q. And when? [146]

A. Here in the last five or six years.

Q. In Seattle? A. Yes.

Q. And you have been convicted of prostitution and dope, isn't that right? A. Yes.

Q. Now, calling your attention to the end of 1952, December, 1952, I will ask you whether or not you went to Portland? A. Yes.

(Testimony of Mary Donna Songahid.)

Q. And approximately what month, what time did you go to Portland?

A. It was New Year's Eve.

Q. What time did you arrive in Portland, do you remember?

A. No. About one hour after I left. It was around seven or eight o'clock in the evening, I believe.

Q. Did you go down by plane? A. Yes.

Q. I will ask you whether or not you stopped at a hotel or with friends?

A. I went to a hotel.

Q. And what hotel was it?

A. Chamberlin Hotel.

Q. Now, how long did you stay at the Chamberlin Hotel? [147]

A. I kept the room there until I was ready to come back to Seattle.

Q. And when did you get ready to go back to Seattle? A. On the fifth of January.

Q. I will ask you whether or not you saw Sam Blassingame on the fifth of January?

A. I saw him at the airport in Seattle—in Portland, Oregon.

Q. I will ask you whether or not that is the first time you had seen him in Portland on that trip? A. Yes, it was.

Q. Did you talk to him at that time?

A. I talked to him at the airport, yes.

Q. And what was the gist of your conversation with him?

(Testimony of Mary Donna Songahid.)

A. He asked me if I was coming back to Seattle, and I told him that I was.

Q. And what transpired as to the tickets?

A. Well, I gave him my money, and he bought the tickets.

Q. And why did you do that?

A. We could get them a little cheaper that way.

Q. That was a family plan at that time? [148]

A. Yes.

Q. In getting them?

And I will ask you whether or not you came back with him on the plane? A. Yes.

Q. Was there any conversation or anything said regarding your coming to Seattle to practice prostitution for him?

A. No, when we were on the plane, he sat by the window, and I sat next to the aisle most of the way in there.

Q. Approximately what time did you get to Seattle, do you know?

A. I couldn't say truthfully, what time it was. It was after dark.

Q. Approximately how long did it take you?

A. About 45 or 50 minutes.

Q. And upon arriving at Seattle, what type of conveyance did you get to come to Seattle?

A. We took a Yellow Taxicab from the airport up to my apartment.

Q. Was that the Bow Lake Airport?

A. No.

Q. Seattle-Tacoma?

(Testimony of Mary Donna Songahid.)

A. Seattle-Tacoma. [149]

Q. And you both got in the taxi, did you?

A. Yes.

Q. And you went to your home? A. Yes.

Q. I will ask you whether or not you had any conversation with Sam Blassingame during that trip from the airport to your home regarding prostitution? A. None whatsoever.

Q. What did you do, if anything, upon arriving at your home?

A. I got my suitcase and got out of the cab and told him to tell Mrs. Blassingame I would be by to see her tomorrow.

Q. And what address was it you got out at; where were you living?

A. 3009½ East Spruce.

Q. I will ask you whether or not you were not arrested on January 6th, the early morning of January 6th? A. Yes.

Q. And who arrested you?

A. Sergeant Scott, and I don't recall the other officer's name.

Q. And were you taken to the jail?

A. Yes.

Q. And what charge did they place against you? [150]

A. Illegal possession of narcotics and prostitution.

Q. I will ask you whether or not subsequently you had a trial on those charges? A. Yes.

Mr. Harris: I object to that, your Honor. I

(Testimony of Mary Donna Songahid.)

think it is immaterial what other trials she has had.

The Court: Well, it has been gone into on the Government's case, possibly through cross-examination, and I think it is permissible.

Q. (By Mr. Prim): What was the result of that trial?

Mr. Harris: I will object, again, your Honor. Immaterial.

The Court: Objection overruled.

A. They were, both cases were, dismissed, on illegal arrest.

Q. (By Mr. Prim): I will ask you whether or not you had the tickets in your pocket on the plane? A. Yes, I did.

Q. And what happened in regards to those tickets when you were arrested on the early morning of the sixth?

A. Sergeant Scott took the tickets from my pocket and said, "What is this?" And I grabbed them out of his [151] hand and tore them, and he took them back.

Q. Those were the same tickets that you received, the folders for the tickets?

A. Yes, I had forgotten I had them.

Q. Do you know the Mrs. Smith, the witness that testified here? A. Yes, I know her.

Q. How long have you known her?

A. I met her the same night we were released from this arrest we are talking about. I think it was the ninth of January.

Q. Do you know this Mrs. McCandless?

(Testimony of Mary Donna Songahid.)

A. Yes, I met her the same night.

Q. By the way, when were you released from that arrest? A. On the ninth, 9th of January.

Q. And what was the occasion of your going over to their place?

A. I didn't meet her at her place.

Q. Where did you meet her?

A. At 22nd and East Denny Way.

Q. At 22nd and East Denny Way; what was the occasion of your meeting her there?

A. I was over there visiting with some friends of mine, and she knew these people, and her and this [152] McCandless came over there.

Mr. Harris: "Her and * * *"?

The Witness: Pat McKenzie.

Mr. Harris: Who is the "Her," may I inquire?

The Witness: Mrs. Smith.

Q. (By Mr. Prim): I will ask you whether or not, did you go down, subsequently move to 724 22nd Avenue South? A. Yes.

Q. And when did you move there?

A. I don't remember the date, but this Patsy, I will call her that, I don't know how to pronounce her last name, she told me she was opening up a house over there, and she asked me if I would like to come and go to work, and I told her I wasn't well then, but I would like to work, and she said I could keep the room and work.

Q. Did you ever work at that house?

A. No.

(Testimony of Mary Donna Songahid.)

Q. Why; what was the reason?

A. I had female trouble; I was ill.

Q. How long did you stay there?

A. Two or three weeks' time.

Q. One moment. You heard Mrs. McCandless, or whatever her name is, say she saw you give Sam Blassingame some money? [153]

A. I have never given Sam Blassingame any money. I have borrowed money from him and paid him back, but I have never given him any money.

Q. You have never given him any money?

A. No.

Mr. Prim: That is all the direct.

Mr. Kosher: Might I cross-examine?

The Court: You may cross-examine. You may examine.

Cross-Examination

By Mr. Kosher:

Q. Now, Pat, when you went down to Portland on New Year's Eve, I believe you said, what was your purpose in going to Portland?

A. I went down there to go to work. I heard——

Q. (Interposing): When you say "go to work," you mean you were going to go to work as a prostitute down there? A. Yes.

Q. Was there any reason why you picked Portland instead of some other place?

A. I heard it was closed, and they were sneaking. You can make more money that way.

Q. What do you mean "sneaking"?

(Testimony of Mary Donna Songahid.)

A. You get more money. [154]

Q. You get more money for your work than when it is open? A. Yes.

Q. Did you go to work down there?

A. Yes, I worked down there.

Q. And why were you returning to Seattle?

A. Well, I had a habit of narcotics, and I was a stranger in Portland, and I didn't know where to get any, and I came back to Seattle to get my clothes and to get some more narcotics and to go back to Portland.

Q. And had you planned to return to Portland?

A. Yes.

Q. You had a place to work in Portland, is that right? A. Yes.

Q. When you got on the plane and went to the airport and started back to Seattle, did you have any intention at all to work in Seattle?

A. No, just get my clothes and——

Mr. Harris (Interposing): To work as——

Q. (By Mr. Kosher): To work as a prostitute?

When you say "work," you mean as a prostitute, isn't that right?

A. Yes, to get my clothes changed and to make a connection [154-A] and go back to Portland.

Q. When you say "to make a connection," you mean to get somebody to supply you with narcotics, is that right? A. Yes.

Q. Prior to the time you left Portland, did you discuss at all with Sam Blassingame what your purpose in coming to Seattle was?

(Testimony of Mary Donna Songahid.)

A. No, I didn't tell him.

Q. Did you talk with him at all about practicing prostitution in Seattle? A. No.

Q. Did you talk about opening any house of prostitution in Seattle? A. No.

Q. After you got to the airport and Seattle, you say you took a Yellow Cab? A. Yes.

Q. And you went to your apartment, is that right? A. Yes.

Q. Did Sam Blassingame go into your apartment then?

A. No, he didn't even get out of the cab.

Q. Now, you say you met Mrs. Blassingame, Sam's wife?

A. I knew her before I knew Sam.

Q. I see; is she here in the courtroom? [155]

A. Yes, she is.

Q. Is that the little lady in the white bandanna?

A. Yes.

Q. And do you know Mrs. Blassingame's children? A. Yes.

Q. How many children does he have?

A. Three.

Q. On these dates we are talking about, you knew him to be a married man, didn't you?

A. Yes.

Q. You knew he was living with his wife?

A. Yes.

Q. Now, did he ever induce you or persuade you or conspire with you to go from Portland to Seattle for the purpose of you engaging in prostitution?

(Testimony of Mary Donna Songahid.)

A. No.

Mr. Harris: I object to the form.

The Court: The question is answered. Do you wish it stricken?

Mr. Harris: Yes, your Honor.

The Court: The Court believes the question is objectionable, and that it is compound, and on that ground will strike the question and answer, and the Jury will disregard it.

Mr. Kosher: May I ask another question, [156] please?

The Court: Yes.

Q. (By Mr. Kosher): Did you ever agree with Sam Blassingame that you would go with him from Portland to Seattle for the purpose of engaging in prostitution? A. No.

Q. Did you ever conspire with him to go from Portland to Seattle for the purpose of your engaging in prostitution?

A. No. We never had any conversation about prostitution or anything like that.

Q. Now, on the night that you returned, you say you were arrested by Sergeant Scott, is that right? A. Yes.

Q. And at that time he accused you of practicing prostitution, is that right? A. Yes.

Q. How did he get into your apartment?

A. Well, they knocked on the door, and I didn't open the door, and I have a knife through there because the Police had been up once before and broke the lock off, and I had the knife stuck

(Testimony of Mary Donna Songahid.)

through the door to hold the door closed and he pushed it open.

Q. In other words, he forced his way into the house, is that right? [157] A. Yes.

Q. Did you open the door for him at all?

A. No.

Q. Did you admit him into your apartment?

A. No.

Q. And then he took you to jail at that time, is that right? A. Yes.

Q. By the way, did he have a warrant for your arrest when he got there? A. No.

Q. You say after you got out of jail—by the way, when you got out of jail, you got out on bond, is that right? A. Yes.

Q. Did somebody have to post an appearance bond for you? A. A bondsman put it up.

Q. Put up bond for you? A. Yes.

Q. Let me ask you this:

When you got out of jail why didn't you go back to Portland? A. Why didn't I go back?

Q. Yes. [158]

A. I had to wait until this trial was over.

Q. And is that the reason—let me ask you this: After you got out of jail, you say you met the Smith girl and also you met the McCandless girl, is that right? A. Yes.

Q. When did you have conversation about going to work with the McCandless girl?

A. It was about two weeks after I was out on bond; ten days, something like that.

(Testimony of Mary Donna Songahid.)

Q. Did she contact you, or did you contact her?

A. No, I went over to this Mrs. Smith's.

Q. Yes?

A. I went over to her house a couple of times and I met her. Patsy was there when I went over there, and I talked to her there.

Q. And did she solicit you to go to work for her?

A. Yes, and one night I was at my apartment and she came by my apartment and asked me if I would go over.

Q. Did you go over to her house then?

A. Yes.

Q. Did you do anything like answering the door, or anything like that for her while you were not able to practice prostitution?

A. Yes.

Q. And did she work herself out there? [159]

A. Yes.

Q. And did she have some other girls working for her?

A. She had a couple of girls that would bring their own dates in.

Q. What do you mean by "bring their own dates"?

A. Well, catch the customer on the street and bring him in to use the room.

Q. Would they pay her for that?

A. For the room, yes.

Q. Now, did you ever see her give Sam Blas-singame any money?

A. No.

(Testimony of Mary Donna Songahid.)

Q. Did you ever have any conversation with her about going to Portland or what you had done in Portland, or anything of that sort?

A. No. I believe I had told her I had been to Portland, and was planning on going back.

Q. You did tell her that? A. Yes.

Q. Did you tell her you and Sam Blassingame had gone to Portland together? A. No.

Q. Had you, in fact, gone together?

A. No. [160]

Q. Did you go by yourself? A. Yes.

Q. Who bought your ticket when you went to Portland? A. I bought it.

Q. Who furnished the money for it?

A. I did.

Q. By the way, I don't want to embarrass you, but you said you are a professional prostitute, is that right?

A. Well, you mean have I gone to bed for money? Yes, I guess I am.

Q. I mean, you do that regularly, don't you? Is that how you earn your living? A. Yes.

Q. "Turn tricks" for your money, is that what you say? A. Yes.

Q. Have you practiced prostitution any place other than Seattle and Portland? A. Yes.

Q. Where?

A. California and Montana and Wyoming and Nevada and Idaho and South Dakota.

Q. Various states, is that right? [161]

A. Yes.

(Testimony of Mary Donna Songahid.)

Q. And did you go from state to state by yourself? A. Yes.

Q. Did Sam take you from state to state when you went?

A. Mr. Blassingame has never taken me anywhere.

Q. I mean to say, you have always gone by yourself, isn't that right? A. Yes.

Q. Did you ever operate a house of prostitution of your own? A. Yes.

Q. Where? A. Rawlins, Wyoming.

Q. Did you have girls working for you there?

A. Yes.

Q. And did you work yourself? A. Yes.

Q. Now, on the fifth day of January, 1953, when you returned from Portland to Seattle, I asked you whether you would have returned from Portland to Seattle if it were not for the fact you wanted to get some narcotics?

Mr. Harris: I object for the reason I don't think the question is proper in its present form, your Honor.

The Court: In what respect? [162]

Mr. Harris: It started out—may I have it read back, please?

The Court: Mr. Reporter, read the question, please.

(Whereupon, the preceding question was read by the reporter.)

The Court: Do you understand the question as put to you?

(Testimony of Mary Donna Songahid.)

The Witness: Yes.

Mr. Harris: All right.

Mr. Kosher: You can answer it.

A. The only reason that I came back to Seattle was that I couldn't make any connection to get any narcotics in Portland, and I came back to get some narcotics, and to get my clothes, and I was going to Portland.

Q. (By Mr. Kosher): Did you have a job to go to in Portland? A. Yes.

Q. Did you have any conversation with the McCandless girl about Sam Blassingame at all? Did you ever talk about Sam Blassingame with the McCandless girl?

A. Yes, I have talked to her about him.

Q. And when was that, do you remember?

A. Over at the house on 22d.

Q. And was that after you moved into the [163] house? A. Yes.

Q. And what were those conversation about?

A. She told me that she liked Sam and I told her that Sam was married and had three children, a married man and had three children to support and——

Q. (Interposing): Did she say anything about him at all, other than that?

A. Well, she has made the remarks that if he didn't divorce his wife, that she was going to send him to the penitentiary.

Q. Now, do you know the gentleman sitting

(Testimony of Mary Donna Songahid.)

there in the front row, Mr. Bush, I believe, from the Federal Bureau of Investigation?

A. Yes.

Q. Did you ever have any conversations with him in the City Jail in Seattle? A. Yes.

Q. And did you tell him that Sam Blassingame had taken you in an automobile from a certain address to your apartment?

A. No, I told Mr. Bush that Sam Blassingame and I had taken a cab from the Airport to my apartment, that I believed Mr. Blassingame's car was in a garage, or something, because he wasn't using his car. I didn't see him drive his car for a couple of months. [164]

Q. And how many times did Mr. Bush talk to you at the City Jail?

A. He talked to me twice at the City Jail, and two or three times at the County Jail.

Q. Did you ever have any conversations with him about—

Mr. Kosher: Well, strike that.

Q. (By Mr. Kosher, continuing): Now, at the time he talked to you, were you under the influence of narcotics?

A. The first time he talked to me—the first two times I was going through the withdrawal. In other words, I was sick. I hadn't had any narcotics.

Q. And what about the last time?

A. No, the last time he talked to me was the 14th of January.

(Testimony of Mary Donna Songahid.)

Q. Now, you are not using any narcotics now, are you? A. No.

Q. And you haven't used any for how long, now?

A. Since August.

Q. Since August? A. Yes.

Mr. Kosher: You may inquire.

Mr. Prim: Just one question. [165]

Redirect Examination

By Mr. Prim:

Q. You did write a book while you were in the City Jail, is that right? A. Yes.

Q. County Jail? A. Yes.

Q. And you submitted that to the University of Washington Journalistic Department?

A. Yes.

Q. And you are now trying to go straight, is that right? A. Yes.

Q. And if you can get some money out of that, your livelihood is such that you don't even need to practice prostitution, is that correct?

A. That is right.

Mr. Kosher: May I ask one more question?

Recross-Examination

By Mr. Kosher:

Q. Are you married, by the way?

A. Yes, I am.

Q. And do you have a child? A. Yes.

Q. Where is the child? [166]

(Testimony of Mary Donna Songahid.)

A. Portland.

Mr. Kosher: That is all.

Cross-Examination

By Mr. Harris:

Q. When you went to Portland, did you go to see your child?

A. The baby wasn't in Portland then.

Q. How old is the child? A. Two years.

Q. Who is your child staying with now?

A. Some friends of mine.

Q. What are their names?

A. Do I have to answer?

Mr. Kosher: I object to that on the grounds it is immaterial.

The Court: I don't see the materiality.

Mr. Harris: They brought it out.

The Court: Do you question the child's existence?

Mr. Harris: I might. I would like to search that portion of the testimony.

The Court: Solely for the purpose of credibility?

Mr. Harris: That is the only purpose, your Honor.

The Court: You heard the question?

The Witness: Yes.

A. (Continuing): Mr. and Mrs. Portman. [167]

Q. Mr. and Mrs. Portman? A. Portman.

Q. P-o-r-t-m-a-n? (Spelling.) A. Yes.

Q. Do you know their first name?

(Testimony of Mary Donna Songahid.)

A. Jack, Mr. and Mrs. Jack Portman.

Q. Do you know the address?

A. 216 Northeast Wasco.

Q. Boston?

A. Wasco, W-a-s-c-o (spelling).

Q. And where is your husband?

A. I believe he is in Seattle.

Q. And what is his name?

A. Marcos Songahid.

Q. Marcos, M-a-r—(spelling)?

A. (Interposing): —c-o-s (spelling).

Q. (Continuing): c-o-s. And when were you married to him?

A. October 5, October 15, 1952.

Q. And where? A. Here in Seattle.

Q. Counsel asked you if you had brushes with the law for prostitution and dope, and I believe you answered, "Yes"? A. Yes. [168]

Q. And they continued for the last five or six years? A. Yes.

Q. How many times would you say that you had brushes with the law for the last five or six years?

A. I believe I have been arrested twice for prostitution.

Q. Is that all? A. Yes.

Q. Have you been arrested for anything else?

A. Narcotics.

Q. How many times for narcotics?

A. Four or five times.

Q. Anything else?

(Testimony of Mary Donna Songahid.)

A. I have been arrested for disorderly person, but that has been stricken.

Q. Well, was that a brush with the law, so far as you were concerned? A. I was arrested.

Q. All right. How many times?

A. For disorderly person?

Q. Yes. A. Once.

Q. Anything else?

A. That is all that I can think of. [169]

Q. Is it your testimony then that you had approximately seven brushes with the law in the past five or six years? A. Yes.

Q. Have you had any other brushes with the law? A. Not that I know of.

Q. Did you have a brush with the law in 1944 at Grand Junction, Colorado?

A. I was a juvenile at that time.

Q. Well, did you have a brush with the law at that time?

A. I believe so. I am not sure of the date, but I think it was then.

Q. January 15, 1944?

A. I am not sure of the date, I said.

Q. All right. Did you have a brush with the law on September 24, 1944, at Pocatello, Idaho?

A. Yes.

Q. Did you have a brush with the law on November 4, 1945, at Ely, Nevada?

A. Ely, Nevada?

Q. Or Ely, E-l-y (spelling)? A. Ely, yes.

Q. How old are you, Mrs. Songahid?

(Testimony of Mary Donna Songahid.)

A. Twenty-four. [170]

Q. Twenty-four; did you have a brush with the law on November 28, 1945, at Salt Lake?

A. Yes.

Q. On November 25th, 1946, in San Francisco, California? A. Yes.

Q. On December 15, 1946, at San Francisco, California?

A. Yes. I am not sure about these dates. I am just answering because I recall the times I was arrested, but I am not sure if those are exact dates.

Q. All right. In San Francisco, January 13, 1947? A. Yes.

Q. On March 11, 1947, in San Francisco, California? A. Yes.

Q. On November 11, 1947, at Susanville, California?

A. No, I have never been arrested at Susanville, California.

The Court: Is that the same date?

Mr. Harris: No, your Honor.

Q. (By Mr. Harris): Did you say March 11th?

Mr. Harris: The other was March 11th, and this is November 11th.

The Witness: May I say something, your [171] Honor?

The Court: You may.

The Witness: A lot of these arrests he is reading off is where I have gone to work as a prostitute, and in order to work you have to go to the Police Station and be fingerprinted and mugged and I be-

(Testimony of Mary Donna Songahid.)

lieve they put it down as arrest for prostitution, but I haven't been arrested.

Q. (By Mr. Harris): When you go to the Police Department to be fingerprinted and mugged, they arrest you?

A. They don't arrest you. They take your fingerprints and picture, and I believe they put it as "arrest for prostitution."

Q. You believe they put it as arrest for prostitution? What leads you to believe that?

A. They must put it down as something, you have the dates there.

Q. They don't put it down as believed you were arrested? A. Well, I wasn't arrested.

Q. You were not arrested on those dates?

A. Not on those dates you are talking about.

Q. All right. Which one of the dates then while you were in San Francisco were you not [172] arrested?

A. I was arrested in San Francisco.

Q. On all of the dates I mentioned?

A. I think so.

Q. I mentioned four.

A. I think I was, I am not sure.

Q. All right, at Ely, Nevada, were you arrested there? A. No, I was not.

Q. You were not arrested for investigation on a vagrancy charge? A. No.

Q. And the case dismissed? A. No.

Q. And you say you have never been to Susanville?

(Testimony of Mary Donna Songahid.)

A. Yes, I have been there, but I wasn't arrested there.

Q. You were not arrested on November 11, 1947, for prostitution and subsequently released?

A. No.

Q. At Sacramento, California, on September 13, 1947?

A. Yes, I was arrested in Sacramento.

Q. Arrested there? A. Yes.

Q. Back then to San Francisco, November—excuse [173] me, April 26, 1948? April 26, 1948, San Francisco?

A. I am not sure. I imagine I was.

Q. At Rawlins, Wyoming, September 9, 1948?

A. Yes, I was arrested once in Rawlins.

Q. At Billings, Montana, May 27, 1949?

A. Yes.

Q. Seattle, Washington, October 1, 1949?

A. Yes.

Q. Seattle, Washington, February 25, 1950?

A. Yes.

Q. Seattle, Washington, May 2d, 1950?

Mr. Prim: May it please the Court, I would like to know whether or not those are arrests or convictions?

Mr. Harris: I would be happy to go back.

The Court: The question is, whether they were arrests.

Mr. Harris: Yes, your Honor. If Counsel wishes convictions, I will go back through them, back—

(Testimony of Mary Donna Songahid.)

Q. (By Mr. Harris): Back in 1944, were you convicted?

The Court: I will advise the Jury at this time that the testimony is received solely as to credibility and has nothing to do whatsoever with the guilt of the defendant with regard to this crime charged.

A. In 1944, I had gone away from a reform school, [174] and they arrested me and took me back to the reform school.

Q. Were you convicted?

A. I don't know what you mean by "convicted."

The Court: Was that a juvenile charge?

Mr. Harris: Yes, your Honor.

The Court: Was that a conviction on a juvenile charge?

Mr. Harris: It shows a fine of fifteen dollars.

The Witness: It couldn't be. I didn't go before a Judge, or anything. They held me and took me back to school.

The Court: The juvenile charges, I think, should be passed.

Mr. Harris: All right, your Honor.

Q. (By Mr. Harris): And at Sacramento——

Mr. Kosher: Of course, she is not my client, but if he is bringing this in for impeachment, all he needs to ask her is whether or not she has been convicted of a crime. Then all these other things on the arrests are improper.

The Court: She admitted three or four, and said that is all she recalled, and I think his bringing

(Testimony of Mary Donna Songahid.)

them out [175] is proper in view of her preliminary statement.

You may proceed.

Mr. Harris: Thank you, your Honor.

Q. (By Mr. Harris): On September——

Mr. Harris: Excuse me.

Q. (By Mr. Harris): August 13, 1947, Sacramento, California, were you convicted?

A. Yes.

Q. At Seattle, Washington, February 25, 1950, were you convicted?

A. I don't recall. If you could tell me what the charge was?

Q. Disorderly conduct, prostitution, and you were fined \$100 and given 30 days in jail, suspended? A. I guess I was convicted.

Q. On May 2d, 1950, disorderly conduct, prostitution, and fined \$100 and given thirty days suspended; were you convicted? A. Yes.

Q. At Seattle, Washington, May 3, the following day, vagrancy charge, were you convicted and given three weeks? A. Yes. [176]

Q. Seattle, Washington, November 1, 1950, habitual user of narcotics, convicted and given six months? A. Yes.

Q. Seattle, Washington, February 10, 1951, and it says revoked your parole for use of narcotics?

Mr. Prim: I object to that, your Honor. It is not a conviction.

Mr. Harris: I will not ask if it is a conviction.

(Testimony of Mary Donna Songahid.)

Q. (By Mr. Harris): Was that a brush with the law?

The Court: Objection sustained. I don't think, Mr. Harris, there is any need to try this defendant on a lot of past offenses. She has admitted these convictions and it can have nothing but a prejudicial effect and I think we should leave it.

Mr. Harris: All right, your Honor.

Q. (By Mr. Harris): When did you first meet Mr. Blassingame?

A. I believe it was either 1949, or the first of 1950. His wife introduced him to me.

Q. And where was that?

A. She was working at the Rocking Chair.

Q. Where is that located?

A. On 14th and Yesler.

Q. Here in Seattle? [177] A. Yes.

Q. Now, did you see him during the year 1952?

A. Yes.

Q. Occasionally, or rather often?

A. Well, I was ill during 1952 when Mrs. Blassingame took me in and took care of me.

Q. You lived at his home with his wife?

A. Yes.

Q. During 1952? A. Yes.

Q. When did you start living there?

A. I can't tell you the exact date.

Q. How long did you live there?

A. I lived there two weeks at one time, and I stayed there about one month another time.

Q. When did you leave there?

(Testimony of Mary Donna Songahid.)

A. I couldn't tell you the exact date.

Q. Well, approximately?

A. In October or November.

Q. Of 1952? A. Yes.

Q. Where did you go then?

A. And then I rented an apartment.

Q. Where? A. 30th and Spruce. [178]

Q. What was the address?

A. 3009½ East Spruce.

Q. Under what name did you rent that apartment?

A. I didn't rent it under my name. I got it from another fellow that—there was a fellow, and he was giving it up, so I paid him the rent on it.

Q. What was his name?

A. I believe it is Howard Taylor. I am not sure.

Q. Howard Taylor? A. Yes.

Q. Do you know a person by the name of Freddie Johnson?

Mr. Prim: I don't see the materiality in this, your Honor. I object to it.

A. I don't recall the name.

Mr. Prim: Just a moment.

The Court: I don't know the purpose of it. It would appear to be immaterial. I don't know what the purpose of it is. I assume it is for impeachment. If the Government assures the Court it is for that purpose, and can establish the fact, the Court will overrule the objection.

Mr. Prim: May I say one word, your Honor? She has never said on direct examination with whom

(Testimony of Mary Donna Songahid.)

she lived at this particular place. She never said anything like [179] that. These facts have nothing to do with her going to Portland, or with her being associated with this man. My idea of impeachment is when a person makes a fact—states a fact, and you are trying to prove that the fact is not true. She never said anything about that.

The Court: You may be right, Mr. Prim. I assume Mr. Harris knows that, and on cross-examination the Court is not going into the purpose of all questions.

If it is improperly a matter of impeachment, the Court will have to advise the United States Attorney that he is improperly asking questions.

Mr. Harris: The only purpose of it, your Honor, is this:

First of all, she said when they returned from Portland, Blassingame and her went to her apartment at 3009½ East Spruce Street. If it is her apartment, I think I am entitled to inquire whether or not she rented that apartment, if she did, and if she didn't, on whose permission she was staying there.

The Witness: I just told you—

Mr. Prim: If it please the Court, she told him a man by the name of Thomas and now he is asking if she knows somebody else. She said, as I remember her testimony, it was that she came from Boeing Field to that apartment, and she got out. I can't see under what [180] stretch of the imagination this

(Testimony of Mary Donna Songahid.)

other person, after she told him from whom she rented the place——

The Court (Interposing): It appears to be immaterial, as I indicated. I, likewise, will not rule it out if it can be properly established as a proper question in connection with impeachment. That is as far as the Court can go. I will sustain the objection, unless the Government assures me that it is properly within the scope of impeachment.

Mr. Harris: All right, your Honor. I might say this: That the Government has information—counsel mentioned Thompson. I thought the witness said Howard Taylor.

The Witness: I did.

Mr. Harris: The Government has information that a Freddie Johnson rented that apartment at the time, and that is the only purpose for asking the question at this time.

The Court: That may be proper.

Mr. Harris: Yes.

The Court: Yes.

Now, what is the question now?

Mr. Harris: I asked her if she knew a Freddie Johnson.

The Court: Objection overruled. [181]

A. I don't know anyone by that name. I might know him if I saw him.

Q. (By Mr. Harris): But you rented the apartment from Howard Taylor? A. Yes.

Q. Were you living there on December 31, 1952?

A. Yes.

(Testimony of Mary Donna Songahid.)

Q. Does that apartment have a number?

A. I am not sure. I believe it has a number on it, but I don't remember now the number.

Q. You just know where it is in the building?

A. Yes.

Q. Now, prior to December 31, 1952, did you know Beulah Smith? A. No.

Q. You never knew her? A. No.

Q. When did you first meet Beulah Smith?

A. The night I got out of jail. I think it was the ninth of January, 1953.

Q. That is the first time? A. Yes.

Q. And did you go to her house alone or with someone? A. When are you talking about?

Q. The first time you met her. [182]

A. I didn't meet her at her house.

Q. All right, where did you meet her the first time? A. At 22d and Denny Way.

Q. What is that?

A. An apartment house there. I don't know the number of the apartment house. It is on 22d, next to East Denny Way.

Q. Who did you go with at that time?

A. I didn't go with anyone. To visit some friends of mine.

Q. By yourself? A. Yes.

Q. And who lived there; who were the friends?

A. Don Jordan and Betty Clifford.

Q. And Beulah Smith was there?

A. Yes, she came there after I was there.

Q. And did you, after that, go to her house?

(Testimony of Mary Donna Songahid.)

A. Yes.

Q. And when you went there, did you go alone or with someone?

A. Well, I have been there several times. I have gone alone, and with someone.

Q. You have gone alone? A. Yes. [183]

Q. And seen her there when you went there alone? A. Yes.

Q. And you heard her testimony that the only time she saw you at her house is when you were with Sam Blassingame?

A. Yes, I heard her.

Q. And that is not correct, is that right?

A. Yes.

Q. When you went there with someone, with whom did you go?

A. I have gone there with different people, and I have gone there with Mrs. Blassingame.

Q. How many times?

A. Two times that I know of.

Q. These were all after January 9, 1953?

A. Yes.

Q. After you had gone to Portland?

A. Yes.

Q. Did you ever—did you ever tell her you were going to Portland? A. No.

Q. Were you present when she asked Sam if she could go to Portland with you, too?

A. No; the first I knew of it was when she said it yesterday, on the stand. [184]

Q. Did you ever tell her that you hustled?

(Testimony of Mary Donna Songahid.)

A. No, but I think she knew that I did.

The Court: The Court is going to interrupt now to take a recess. Ladies and Gentlemen of the Jury:

The Court at this time calls your attention to the admonition given earlier. You are not to confer among yourselves, or with anyone regarding any of the matters relating to the merits of this case, and you are not to form or express an opinion in regard thereto, until the case is finally submitted to you for your verdict.

You may now be excused, and the Court will remain in session until you leave.

(Whereupon, the Jury retired from the courtroom.)

(Whereupon, at 11:04 o'clock a.m., January 22, 1954, a recess was had until 11:19 o'clock a.m., January 22, 1954, at which time counsel and defendants, heretofore noted, being present the following proceedings were had, to wit:)

The Court: You may call the Jury.

(Whereupon, the Jury was returned to the courtroom.)

The Court: You may be seated. It is stipulated that the Jury and the Defendants are present in the courtroom?

Mr. Kosher: Yes, your Honor. [185]

Mr. Harris: Yes, your Honor.

The Court: The Defendant will take the stand.

Q. (By Mr. Harris): Mrs. Songahid, have you

(Testimony of Mary Donna Songahid.)

been know by any other name other than Pat Lewis or Patricia Lewis? A. Yes.

Q. What other name?

A. My real name, and Betty Reed.

Q. What is your real name?

A. Mary Donna Songahid.

Q. That is your married name? A. Yes.

Q. Any others?

A. Sally Maun, M-a-u-n (spelling).

Q. Any others? A. Betty Reed.

Q. Any others? A. Frankie Maun.

Q. Pardon? A. Frances.

Q. Any others? A. My real name.

Q. Any others? A. I believe that is all.

Q. When you went to Portland, you say you went by [186] airplane, is that correct?

A. Yes.

Q. What Air Line? A. Western.

Q. Western? A. I think it is Western.

Q. Or West Coast?

A. I left from the Boeing Airport.

Q. Yes?

A. I think it is Western, or West Coast.

Q. And what name did you use then?

A. Betty Reed.

Q. When you arrived at Portland, you say you registered at the Chamberlin Hotel?

A. Under "Betty Reed."

Q. Now, you say you kept that room until January 5, 1953? A. Yes.

Q. Did you stay in the room from December 31,

(Testimony of Mary Donna Songahid.)

1952, to January 5, 1953? A. No.

Q. How many evenings or days did you spend?

A. I believe I stayed there three nights. I won't say for sure, because I am not sure.

Q. And where did you stay the other time? [187]

A. I stayed at a friend of mine's house.

Q. And what was the name of the friend?

A. Alvina Neuman.

Q. Is she known by any other name, if you know?

A. I think her nickname is Little Bit.

Q. Little Bit? A. Yes.

Q. Now, was anyone else there at that time?

A. Her husband.

Q. What is his name?

A. Madison Wilson.

Q. Madison Wilson? A. Yes.

Q. Is he known by any other name, or nickname?

A. That is all I know him by, Mac.

Q. Pardon? A. Mac.

Q. Mac? A. Yes.

Q. Do you know the address?

A. No, I don't; I don't remember it.

Q. Would you know it if you heard it?

A. I am not sure.

Q. Is 307 Northeast Fargo, Portland, Oregon—does that sound familiar? [188]

A. I am not sure that is it, or not. I won't say, because I am not sure.

(Testimony of Mary Donna Songahid.)

Q. Now, did Sam Blassingame come to that address? A. I didn't see him.

Q. Well, you didn't see him? A. No.

Q. Do you know whether he came there or not?

A. I heard that he was there.

Q. You heard he was there? A. Yes.

The Court: When you speak of "address" now, you are speaking of what address?

Mr. Harris: Well, she is not able to identify the address, but I believe it is Alvina's home.

Q. (By Mr. Harris): Is that right?

A. Yes.

Q. And Madison Wilson's home?

A. Yes.

Q. And that Sam Blassingame had been there; you heard that?

Mr. Kosher: Just a minute. I object because it calls for a hearsay answer, and I move that the last question and answer be stricken, and the Jury instructed to disregard it. [189]

The Court: The answer was made, and no objection was made at the time, and the Court will let the answer stand, and will sustain objection to the last question.

Q. (By Mr. Harris): Did you leave Madison Wilson's or Alvina Neuman's home by taxicab for the Portland Airport together? A. No.

Q. You say you did not? A. No.

Q. Now, what was your purpose for going to Portland? A. I went there to work.

Q. Was that the only purpose? A. Yes.

(Testimony of Mary Donna Songahid.)

Q. What was Sam Blassingame's purpose for going to Portland? A. I don't know.

Mr. Kosher: I object to that, because it calls for a hearsay answer.

The Court: Objection sustained.

Mr. Harris: Not if Sam Blassingame told her.

Mr. Kosher: That wasn't the question.

Q. (By Mr. Harris): Did Sam Blassingame tell you why he went to [190] Portland? A. No.

Q. You don't know why he went to Portland, is that right?

A. Only what I have heard through other people.

Mr. Kosher: Just a minute. I object to that on the grounds it is hearsay.

Q. (By Mr. Harris): Did you testify on direct examination that Sam Blassingame went to Portland on a car deal? A. No, I didn't.

Q. You didn't testify to that? A. No.

Q. And Sam Blassingame never told you why he went to Portland?

A. He didn't tell me, no.

Mr. Harris: Excuse me, just a moment, your Honor.

(Whereupon, there was a brief pause.)

Q. (By Mr. Harris): Now, you say that after you arrived here—excuse me—who bought the tickets in Portland under the name of Mr. and Mrs. Blassingame?

A. I gave Sam the money for my ticket, and he purchased the tickets. [191]

(Testimony of Mary Donna Songahid.)

Q. Do you recall the testimony of Mr. Caughey?

A. Yes.

Q. Do you recall that he testified that you bought the tickets? A. Yes, I do.

Q. Now, after you arrived——

Mr. Prim: Just a moment, your Honor. That was a wrong statement, altogether. As I remember, the Agent said a woman bought the tickets.

The Court: The question was whether she heard him say that.

The Witness: He said he couldn't identify the woman that purchased the tickets.

Q. (By Mr. Harris): That is right, but——

A. (Interposing): But it wasn't—but Sam bought the tickets.

The Court: Just a moment. There is no need for you to explain what the other testimony is. If you have a question, you may put it, and then you answer the questions as counsel puts them to you.

The Witness: O.K.

Q. (By Mr. Harris): Do you recall the testimony of Mr. Bush? A. Yes. [192]

Mr. Kosher: I object to that on the grounds it is immaterial whether she recalls the testimony of anyone.

The Court: Objection overruled.

Q. (By Mr. Harris): Do you recall that he testified that the conversation he had with you on January 6, 1953, in the City Jail—that you told him that you left the Seattle-Tacoma Airport to-

(Testimony of Mary Donna Songahid.)

gether in a taxicab with Sam Blassingame; do you recall that? A. Yes.

Q. And do you recall further his testimony that the two of you went to an address near Jackson Street, where Sam Blassingame got his personal automobile; do you recall his testimony?

A. I recall him testifying to that, yes.

Q. And do you recall his testimony that Sam Blassingame drove you from, in his own car, to 3009½ East Spruce Street, where you got out?

A. Yes.

Q. Now, when you were arrested and taken to the City Jail on January 6, 1953, by Officers Scott and Francis——

Mr. Harris: May I have Plaintiff's Exhibits 1 and 2?

(Whereupon, exhibits were handed to Mr. Harris by [193] the Clerk.)

Q. (By Mr. Harris): ——is it your testimony that Plaintiff's Exhibits 1 and 2 were in your pocket at that time? A. Yes.

Q. And that Sergeant Scott pulled them out of your pocket? A. Yes.

Q. And that you reached over and grabbed them back from him? A. That is right.

Q. And in doing that you accidentally tore the tickets? A. I tore the tickets.

Q. Accidentally? A. No, I tore them.

Q. On purpose? A. Yes.

Q. Purposely trying to get the name Mr. Blas-

(Testimony of Mary Donna Songahid.)

singame off of one ticket, and Mrs. Blassingame off of the other? A. Not——

Mr. Prim: Just a moment. The thing itself speaks for itself, how it was torn, your Honor. We object to it.

The Court: Objection overruled. [194]

Will the Reporter read the question?

(Whereupon, preceding question was read by the Reporter.)

Q. (By Mr. Harris): Have you completed your answer, Mrs. Songahid?

A. No. Mr. Scott had made me angry when he took the tickets out of my pocket, and I grabbed them back and tore them.

Q. Why did you tear them?

A. I don't know. He made me angry.

Q. And why did you just tear the name Mr. Blassingame off of one ticket, and Mrs. Blassingame off of the other?

A. Well, I grabbed the tickets, and I tore them.

Q. Accidentally?

A. I don't know if you call it "accidentally," or not. I meant to tear them. That is what I am testifying to.

Q. Did you mean to tear the whole ticket in half, or just the names off of them?

A. I meant to tear the tickets.

Q. The whole tickets?

A. The tickets. I didn't care. I was mad, and I wanted to tear the tickets.

(Testimony of Mary Donna Songahid.)

Q. And it was just by chance you tore the ticket at the place where "Mrs. Blassingame" was written on it? [195]

A. I believe that is where I grabbed ahold of it.

Q. And "Mr. Blassingame" on the other, is that correct?

A. That is where I grabbed ahold of them, and it tore.

Q. Well, my question was, it was just by chance that you tore both tickets where the names were?

A. I think it was by chance that they got torn like that, but if I got ahold of them, I would have tore the names off of them.

Q. Who tore the names off of them?

A. I did, when I grabbed the tickets.

Q. And when you grabbed the tickets, was it done accidentally, or on purpose?

Mr. Kosher: I object on the grounds it is repetitious.

The Court: Objection sustained.

Mr. Kosher: He asked the question three or four times now.

The Court: I sustained the objection.

Mr. Harris: All right, your Honor.

Q. Do you know who rented the house at 724-22d Avenue South?

A. No. This Patsy told me it was her [196] place.

Q. Do you know who rented the house at 724-22d Avenue South? A. No, I don't.

Q. Do you know who paid the rent there?

(Testimony of Mary Donna Songahid.)

A. No, I don't.

Q. Were you living there?

A. I did live there, yes.

Q. Did you ever make the statement to Sam Blassingame in the presence of Mrs. McCandless that "I," referring to yourself, "make more money in one night than she * * *," referring to McCandless, "makes in a week"?

A. No.

Q. You never made that statement?

A. No.

Q. Did you ever give Mr. Blassingame any money during the time that you were living at 724-22d Avenue South?

A. No.

Q. Do you recall Mrs. McCandless' testimony that she saw you hand him some money at one time while you were there?

A. Yes.

Q. Is that correct?

A. I don't believe she has ever seen me hand him any money. [197]

Q. Well, have you handed him any money?

A. Yes, I gave him fifteen dollars that I owed him.

Q. When? While you were living at 724-22d Avenue South?

A. Yes.

Q. How long after you were living there?

A. I don't recall how long.

Q. One month, or one week, or what?

A. A week or so, I believe.

Q. A week or so after you were living there?

A. I am not sure how long it was.

Q. You gave him about fifteen dollars?

(Testimony of Mary Donna Songahid.)

A. Yes.

Q. You were ill, weren't you, while you were living at 724-22d Avenue South? A. Yes.

Q. Where were you working?

A. I wasn't working then.

Q. Were you working as a prostitute at that time?

A. I wasn't working at all, at that time.

Q. How were you able to get your money?

A. I got that from my husband.

Q. Mr. Songahid? A. Yes.

Q. And did he know where you were [198] living? A. I don't believe he did, no.

Q. And you paid back Mr. Blassingame then the money you received from Mr. Songahid, is that right?

A. Yes. You see, I had borrowed from Mr. and Mrs. Blassingame to go to the Doctor.

Q. And that is where you got your money to pay him back? A. Yes.

Q. Now, is it your testimony, too, that it was Mrs. McCandless who, you might say, solicited you to go there and work as a prostitute?

A. She asked me to, yes.

Q. Did you ever work there as a prostitute?

A. No, I never took any dates there. I was sick during the time I was there.

Q. So that she let you live there all of this time, even though she had solicited you to work as a prostitute? A. I answered the door for her.

Q. That is all you did?

(Testimony of Mary Donna Songahid.)

A. That is all I did, and seated the people when they came in.

Q. Did she pay you anything for that?

A. No.

Q. You did that voluntarily, did you? [199]

A. Yes.

Q. Now, you say—said—the reason you returned from Portland was for the purpose of coming back to Seattle to get some narcotics, is that correct?

A. Yes.

Q. Did you get some narcotics?

Mr. Prim: I object to that, your Honor. Immaterial.

The Court: Objection sustained.

Q. (By Mr. Harris): And you said the reason for coming back from Portland to Seattle was not to work as a prostitute, isn't that correct?

A. Yes.

Q. And what time did you arrive here from Portland?

A. It was after dark. I don't know what time it was.

Q. How long was it before you were arrested?

A. Four or five hours, I believe.

Q. Had you turned any tricks, or acted as a prostitute during that period of time?

A. Well, some fellows came up to the apartment, and I didn't see any reason to turn them away, so I had a date with them, yes.

Q. You were not sick then, were you? [200]

(Testimony of Mary Donna Songahid.)

A. No, not then. I was when I came out of jail.

Q. So, the first thing you did when you came back from Portland to Seattle was to work as a prostitute?

A. They were steady customers of mine, and they came by my house, my apartment. Otherwise, I wouldn't have seen them if they hadn't come by there. I wasn't out soliciting them.

Q. These steady customers, were they soldiers?

A. One civilian.

Q. Well, were any of the steady customers soldiers?

A. The civilian was. The other two fellows were his friends.

Q. Were they soldiers? A. Yes.

Q. They were not steady customers?

A. No, the civilian was. The soldiers were his friends.

(Whereupon, there was a brief pause.)

Mr. Harris: Excuse me, just a moment, your Honor.

(Whereupon, there was a brief pause.)

Q. (By Mr. Harris): You say you have used no narcotics since August, 1953, is that correct?

A. Yes.

Q. Why? [201]

Mr. Prim: We object to that as immaterial.

The Court: Objection sustained.

Q. (By Mr. Harris): When was the last time you have seen your child?

(Testimony of Mary Donna Songahid.)

Mr. Kosher: I object to that on the grounds it is immaterial.

The Court: Objection sustained.

(Whereupon, there was a brief pause.)

Mr. Harris: Excuse me just a moment, your Honor.

(Whereupon, there was a brief pause.)

Mr. Harris: I think that is all.

Recross-Examination

By Mr. Kosher:

Q. Now, Counsel asked you and referred to the testimony of Mr. Bush with reference to your having told him that Sam stopped and got his car and took you to your apartment?

A. Mr. Bush must be mistaken.

The Court: The question was——

Q. (By Mr. Kosher): You heard that, didn't you?

A. Yes.

Q. Was that true? A. No.

Q. Did you ever tell him that? [202]

A. No.

Q. Now, as far as the house that you went to live in that you claim was operated by Mrs. McCandless, is that customary in a house of prostitution, to have somebody answer the door?

Mr. Harris: I will object to that, your Honor.

The Court: Objection sustained.

(Testimony of Mary Donna Songahid.)

Mr. Kosher: If your Honor pleases, he has gone into this.

The Court: Well, the question—it wasn't objected to, and the Court might have sustained an objection, if made. That doesn't necessarily mean that the Court will permit further immaterial matter. Objection sustained.

Q. (By Mr. Kosher): Now, at the time Sergeant Scott arrested you, he did find some narcotics in the apartment, didn't he? A. Yes.

Mr. Kosher: I think that is all.

Redirect Examination

By Mr. Prim:

Q. Now, Pat, about the same time that you paid Mr. Blassingame, you also paid me, and you paid the bondsman, isn't that correct?

A. Yes. [203]

Q. Out of the same money your husband gave you, isn't that correct? A. Yes.

Q. He gave you quite a bit of money, isn't that correct? A. Yes.

Q. Near one thousand dollars, isn't that correct?

A. Yes.

Q. You are now separated from your husband, isn't that right? A. Yes.

Q. Now, a great many of these charges and convictions were during the time that you were a minor, isn't that correct? A. Yes.

Q. And you have told to the Jury the truth about

(Testimony of Mary Donna Songahid.)

the transaction that you had in Portland and the transaction that you had with Mr. Blassingame?

A. Yes.

Mr. Prim: That is all.

Mr. Kosher: Could I ask one more question, please?

Re-Recross-Examination

By Mr. Kosher:

Q. You told Mr. Harris that some of these arrests [204] he talked to you about were not actually arrests, but that you had reported to certain Police Stations in towns where you went to work as a prostitute, is that right? A. Yes.

Q. And is that customary?

Mr. Harris: I object to that, your Honor.

The Court: Objection sustained.

Mr. Kosher: That is all.

Mr. Prim: That is all.

Re-Recross-Examination

By Mr. Harris:

Q. When did you reach the age of 21?

A. Three years ago. I was born December 23, 1929.

Q. So that, on December 23, 1951, you would then be—— A. (Interposing): Yes, 1950.

Q. Would it be 1950?

A. Well, I will be 25.

The Court: When was your birth date?

(Testimony of Mary Donna Songahid.)

The Witness: December 23, 1929.

The Court: That is the only thing that is material. I suppose she was 21, 21 years later.

Mr. Harris: Yes, your Honor. That would be 1951, wouldn't it?

The Court: The Jury, I think, can add, Mr. [205] Harris.

Q. (By Mr. Harris): The last conviction I asked you about was November 1, 1950. You were still a minor then? A. Not if I was 21.

Q. This is November 1, 1950.

Mr. Kosher: Just a minute. I object to this as immaterial.

The Court: Objection sustained.

Mr. Harris: That is all.

Mr. Kosher: That is all.

Mr. Prim: That is all.

(Witness Excused.)

Mr. Kosher: The Defense rests.

We will renew our motions, if we may.

The Court: We may recess a little early, so that we may start earlier. Do we have anything else on?

Mr. Harris: Your Honor, there is one other matter not relative to this matter at all.

The Court: There is no objection at all?

Mr. Kosher: No.

Mr. Prim: No.

(Whereupon, Mr. Harris conferred with the Court at the Bench.)

The Court: How long do you want for argument, Mr. [206] Harris?

Mr. Harris: About twenty minutes, your Honor.

The Court: How much time do Counsel for Defendants think?

Mr. Kosher: 45 minutes apiece.

Mr. Harris: If that is the case, I would have to ask for more.

Mr. Prim: I don't think that we will talk that long, your Honor.

The Court: That is quite long. I don't ordinarily put a limitation on, but twenty to thirty minutes——

Mr. Kosher: That is all right. Thirty minutes will be fine. I probably won't use that much time. I don't like to be restricted, if I can help it.

The Court: I don't like to put a restriction on, but I think thirty minutes is ample for each side, and I trust you will not find it necessary to take that long. I don't mean each side, but each Defendant. I trust you will not need that much time when you get to make your argument.

Members of the Jury, we will recess now until 1:30. I wonder if we could have that other matter, if it comes up, on at a recess, Mr. Harris?

Mr. Harris: All right.

The Court: Or later this afternoon, say at [207] four o'clock?

Mr. Harris: It is agreeable with me. I will call the other attorney.

The Court: So, perhaps, then we can finish.

Mr. Harris: All right.

The Court: So, we will recess. Members of the Jury, until 1:45, and the Court again calls your attention to the admonition given heretofore not to discuss among yourselves or with anyone, or form any opinions regarding matters relating to the merits of this case, until the case is finally submitted to you for your verdict.

You may now be excused until 1:45. Excuse me, 1:30, and get here a little in advance so that we can start promptly.

(Whereupon, the Jury retired from the courtroom.)

The Court: It is stipulated that the Jury have left the courtroom?

Mr. Kosher: Yes, your Honor.

Mr. Harris: Yes, your Honor.

The Court: I gather, Mr. Kosher and Mr. Prim, you wish to renew your motions?

Mr. Kosher: Yes, your Honor. For the record, the Defendant, having rested, the Defendant Blas-singame asks this Court to direct the Jury to return a verdict of [208] Not Guilty.

The Court: What you mean is a verdict of acquittal.

Mr. Kosher: On the grounds he isn't guilty of the crime charged, and it was impossible for him to commit the crime such as charged in the information according to the cases we have submitted heretofore, and now I would like to move to strike the testimony of the witness McCandless and the witness Smith on the ground that the testimony has

not been connected up in any way, as Counsel for the Government indicated it would be; that there is no showing in this case that the Defendant conspired, in any way, to transport or aided in the transportation of the Defendant——

The Court: Just a minute. Is this one of the Jurors?

The Bailiff: Yes.

The Court: We will wait a minute.

(Whereupon, there was a brief pause.)

Mr. Kosher: That there is no evidence in the record to show that the Defendant Blassingame conspired with or aided or abetted Patricia Lewis to leave Portland to go to Seattle for the purpose of prostitution.

I believe these motions were made at length at the conclusion of the Government's case. [209]

The Court: The Court will consider made a renewal of the motion made at the conclusion of the Government's case.

Mr. Kosher: Very well.

Mr. Prim: We ask that the Court instruct the Jury to bring in a verdict of acquittal, or that the Court take the case from the Jury altogether, for the reason that there is not sufficient facts here to constitute the crime charged. It has not been shown by the Government that there was a community of purpose, some common understanding, a meeting of the minds of any unlawful act whatsoever. For that reason, your Honor, we feel that there isn't sufficient facts here to warrant the crime charged, so

that they should be dismissed, or that the Jury should be instructed to bring in a verdict.

The Court: The Court will likewise consider your motion, Mr. Prim, as a renewal of the motion made at the conclusion of the Government's case, and the Court will reserve ruling on the motions until after the case has been submitted to the Jury.

As to the motion to strike the testimony of the witnesses McCandless and Smith, was it——

Mr. Kosher: Yes.

The Court (Continuing): ——the Court will deny the motion at this time. [210]

Mr. Kosher: Perhaps I should have been a little more specific for the benefit of the Court. I think so much of McCandless' testimony as referred to the Defendant Blassingame placing her in a house of prostitution and accepting her earnings and having conversation with her outside the hearing and outside the knowledge of Patricia Lewis should be stricken.

The Court: The Court at this time will not grant that motion on the ground the Court feels there is sufficient—it is the Court's opinion, at least at this time, sufficient to go to the Jury on the question of whether or not there may have been a conspiracy, and, if the Jury so finds, of course, the testimony then might be considered. The Court will consider an instruction relative to what that question might be on the limiting nature of it.

If you wish to submit it, or if you do not, the Court will submit an instruction of his own in that respect.

Mr. Kosher: I think your Honor gave one in the last case, and if we could have the same type of instruction. That was the Fitzgerald Case.

The Court: I can check it. I don't recall whether that type of instruction was given. I can check it. I think the instruction will be given somewhat as I gave it [211] to the Jury before orally that it will be used only if they find a conspiracy existed, and what it might be.

However, if you wish to submit something, fine. Otherwise, I will give an instruction along that line.

Mr. Kosher: That will be fine. I won't submit one, then.

The Court: As to the other requested instructions.

(Whereupon, requested instructions were discussed and colloquy had thereon by and between Court and the respective Counsel, and the following proceedings were then had, to wit:)

The Court: Is there anything further?

Mr. Prim: No, your Honor.

The Court: All right, then we will begin again immediately upon taking up after recess. [212]

* * *

The Court: I have read the briefs in this matter, Gentlemen.

Mr. Kosher: I don't see Mr. Prim here.

The Court: Have you, Mr. Kosher, heard from him?

Mr. Kosher: No, I could go and call him.

I might ask, first, do you wish to argue?

Mr. Kosher: Not unless the Court cares to hear from Counsel. We could give you the sequence of the cases. They are not too apparent in the briefs. We could give you the dates that the cases would have been decided, if that would be helpful to the Court.

Most Counsel, for the Government and the Defendants, have cited the same cases. I think Counsel for the Government cited one additional case, and before Court opened, I correlated them and we have the dates upon which these cases were decided, and that may be of some assistance to the Court.

The Court: Well, I would hear that.

I will ask—let's see, he represents Mrs. Songahid. Do you know if Mr. Prim is to be here?

Defendant Songahid: I haven't heard from him. I thought he was going to be.

The Court: I think we had better wait. [230]

Mr. Kosher: I will go and call him.

The Court: All right, we will proceed with the other matters.

(Whereupon, there was a brief recess in the within-entitled and numbered cause, and the following proceedings were had, to wit:)

The Court: I will hear from you briefly, then, Mr. Kosher.

(Whereupon, argument was made for and on behalf of the Defendant Sam Blassingame by Mr. Kosher, and colloquy had by and between

Court and Counsel, and the following proceedings were then had, to wit:)

The Court: As to both defendants, then, we will proceed with the sentencing, if the Defendants will come forward.

Mrs. Songahid, I have reviewed the presentence report made in your case, and, likewise, Mr. Blassingame, I have reviewed a pre-sentence report made in your case, by the Probation Officer.

At this time, you are before the Court for imposition of judgment and sentence, and the Court will hear from you and your Counsel as to any matters you think the Court should consider in determining what the sentence should be.

I take it, Counsel, you know of no reason [231] why the Court should not proceed with the sentencing at this time?

Mr. Kosher: No.

The Court: Whoever wishes to may proceed first.

(Whereupon, statement was made for and on behalf of the Defendant, Sam Blassingame, by Mr. Kosher, and the following proceedings were then had, to wit:)

The Court: Mr. Prim?

(Whereupon, statement was made for and on behalf of the Defendant Songahid by Mr. Prim, and the following proceedings were then had, to wit:)

The Court: Mr. Prim, it is very difficult for this

Court to go on the assumption that this woman will change her way of life at this time.

Now, you state there are some circumstances that come along to indicate that she might have reason to change her ways, but having started, unfortunately, as young as she did, I am not concerned now with the background and circumstances that may have caused her or brought her on her unfortunate course, but what is there to indicate that she wouldn't continue?

(Whereupon, further statement for and on behalf of the Defendant Songahid was made by Mr. Prim, and the following proceedings were then had, to wit:)

The Court: Mrs. Songahid, what is your [232] view? What is your position?

Defendant Songahid: Well, I am going to try my best to do all I can to change my way, and try to make a better life for myself and my baby.

The Court: Do you think you can change after these years?

Defendant Songahid: Yes, I do.

The Court: Where would you go?

Defendant Songahid: I want to go back to Ogden, Utah.

The Court: What would you do there?

Defendant Songahid: Work in a restaurant.

The Court: Do you know people there where you could work?

Are they the people you were referring to?

Mr. Prim: These people I am referring to are in Portland, Oregon, but she has relatives there. They are very substantial people, high in the Church back there, in the Mormon Church. I feel that back in Ogden would be better for her than Portland.

The Court: What about your drug habit?

Defendant Songahid: I am not using any now.

The Court: How long were you on narcotics before?

Defendant Songahid: Well, I was off for fourteen [233] months, and I started using again, and used for eight months, and I have been off since August of last year.

The Court: Any indication, Mr. Stewart—did you handle this—any indication that this person is off drugs now?

Mr. Stewart: She says she is.

The Court: Have you any indication that she is off, or is using them?

Mr. Stewart: She says she has been off since August. As to whether she is, I don't know. But she has maintained she has been off since August.

Mr. Prim: If it pleases the Court, this girl came back, and she was in jail up until a few days before we went to trial, because there were some matters she had to straighten out with Judge Neargaard.

The Court: You were in the City Jail?

Defendant Songahid: County Jail.

The Court: Six months?

Defendant Songahid: Yes.

Mr. Prim: And unless she started a habit since this trial, I can assure you she didn't get it there.

The Court: You were in jail from August on?

Mr. Stewart: That is right, your Honor.

The Court: You haven't started using it since you were out on bail? [234]

Defendant Songahid: No.

The Court: It is a rather unusual case, a conspiracy charge. Ordinarily these cases wouldn't involve a woman. I am somewhat disposed to put you on probation and give you a chance, if you think you can straighten out. If you don't, I think it is a case where you can come back and get a pretty good sentence.

Mr. Stewart: I didn't hear what home she was going to in Portland.

Mr. Prim: Ogden.

Mr. Stewart: I think that would be all right, but not Portland, because the people she was with, the husband is serving time at McNeil, and the woman is a user.

The Court: I will tell you this, Mrs. Songahid, the Federal Court doesn't handle or have jurisdiction over prostitutes. It isn't the purpose of this Court to punish women for prostitution. You are charged here with conspiracy. The Jury found you guilty. Conspiring to violate the Mann Act is a serious violation. If you would straighten out, the Court might consider probation here, because, ordinarily, you wouldn't be before this Court on a Mann Act charge, or what is known as a substantive charge. If you want to go out and say you are going to lead a different life, and you want a chance, I [235] don't want to stop you. However, if you

don't do it, you will come back here and you will be sentenced for conspiring to violate the Mann Act, and that isn't going to be a ninety-day sentence for prostitution.

Do you think you can make it?

Defendant Songahid: Yes, I do.

The Court: Mr. Prim tells me you have written a book. Maybe you can—your young background was bad, but maybe you can straighten out. You understand this Court has no jurisdiction and doesn't propose to punish women for prostitution, but for violating the Mann Act, you can get a pretty rough sentence.

Under the circumstances I will put you on probation, and we will find out if you will straighten out. If you get on the narcotics habit, and into prostitution, you will come back here and get a sentence, and it won't be for prostitution, it will be for conspiring to violate the Mann Act, and I think there is evidence in here, and you weren't an innocent person by any means, you don't claim to be, and I think probably there is ample evidence upon which the Jury convicted you. So, in your case, we will give you that chance, but you are going to have to make reports, and if you violate them, and you come back, the Court can sentence you up to five years in the penitentiary.

This is your chance, if you want to do it, if [236] you want to take it, it is up to you. So, as far as you are concerned, Mrs. Songahid, it is the judgment of the Court—it is the judgment of the Court upon the verdict of the Jury, that you are guilty

as charged, and because of the unusual nature of this charge against a woman, the Court believes on the showing made, it is proper you be placed upon probation, and if you want to straighten out, all the more chance to you.

You will be placed upon probation for a period of three years.

One of the conditions of probation is that you do not violate the law, State, Federal or Municipal; that includes any type of violation. At the close of that period of time, you are free of this charge.

In the event you fail, you will come back, and having failed, you will be sentenced some time, up to five years. It might be a little bit more than you would get now, if you want to take the sentence now and get it over with. Any further conditions?

Of course, you must refrain from narcotics.

Mr. Stewart: What about permission, your Honor?

The Court: You can get permission to get to Ogden, but before you leave there, you must get written permission, and you must report as the Probation Officer directs. [237]

Anything further to do, Mr. Prim?

Mr. Prim: No, I will help her to straighten out.

The Court: It is up to you, and you will have a pretty tough time, and I will not stand in your way.

Mr. Kosher: Could I say something?

The Court: You may.

Mr. Kosher: I don't want to in any way say anything about this young lady, and I am glad she

has an opportunity to straighten up, but, of course, I represent the Defendant in this case, and I think the Court has found from the evidence that she was the moving spirit in this transport, and it seems to me he ought to be given an opportunity to straighten out.

The fact that he is a man, it seems to me, shouldn't make him any more culpable than the woman.

I don't like to be arguing against myself here; as I say, your Honor found she was the moving spirit in the transportation. She is by far the brighter of the two people.

The Court: Well, probably so, Mr. Kosher.

But the charge here is a violation of the Mann Act which is——

Mr. Kosher: A conspiracy. They are both charged with the same thing.

The Court: I understand. [238]

Mr. Kosher: In other words, I think they are both tarred with the same brush. There isn't much difference. If she gets probation, it seems to me only fair that he should have it because under the evidence in this case, she was the moving spirit.

The Court: Well, I am not going to discuss the merits of the situation particularly, Mr. Kosher, with you other than this:

With this girl, or woman, who started at eleven years old and was brought into prostitution violation of the Mann Act when she was sixteen, I think the situation is a little different. She is to be pitied. True enough, she is a veteran, hardened as a prostitute, and I think the Mann Act essentially is not

designed to punish the woman who may participate in these violations of the law. Primarily, they are intended and should punish the man, and the question—as you indicate, there is some question about whether a conviction of this kind will stand. The Court believes that the trial court shouldn't resolve that question against the charge, and if the Appellate Court should so find, that is a different proposition, but I believe that the law here involved, which there was a conspiracy to violate, is directed toward the man and directed toward the practice of inducing young women to enter upon an immoral life, using Interstate Commerce in [239] the course thereof. That is the situation, and possibly the Court might impose a sentence at this time, upon the woman, but while the record is very bad, she got into it possibly by others who were violating the Mann Act and she states she is going to straighten out, and if she doesn't, we will have time to find out, and she will be sentenced in due course. If she can straighten out, possibly there will be some rectification of this woman as a girl or a child. So far as Blassingame is concerned, do you have anything you wish to say?

Defendant Blassingame: No.

The Court: I don't have very much sympathy for you, Mr. Blassingame. I don't know how smart you are, or how much you were the victim of this woman as your Counsel might indicate you are, but I am inclined to think, from the probation report, that you have been smart enough to have avoided getting in trouble with the law before; not unwittingly, but

because you were probably smart enough to get on with your violations of the law without apprehension and conviction.

So, it is the judgment of the Court upon the verdict of the Jury of Guilty than you are guilty as charged, and it is the sentence of the Court that you be placed in the custody of the Attorney General of the United States or his duly authorized representative for a [240] period of four years, at such an institution as he may direct.

Mr. Kosher: May this record show that the Defendant gives notice of appeal at this time, and I imagine an appeal bond——

Mr. Harris: A written notice of appeal.

The Court: You will file your written notice of appeal and then file your bond.

Mr. Kosher: Can we do that today?

Mr. Harris: I am available.

The Court: Do you want to keep the defendant in custody?

Mr. Harris: I think so. The conditions of the original bond does not provide for any possibility of appeal.

The Court: Yes.

So, he can remain in the Marshal's custody during the day, is that right?

Mr. Kosher: I was going to go and get the notice of appeal, and I suppose we can come back here before the morning is over?

The Court: What time will you have this written one?

Mr. Harris: Probably two o'clock.

The Court: Right after Naturalization this [241] afternoon. We have Naturalization at 1:30 and we will take it at 2:00 o'clock, or shortly thereafter.

Mr. Harris: All right.

The Court: We will now take about a ten-minute recess.

(Whereupon, at 11:08 o'clock a.m., February 15, 1954, hearing in the within-entitled and numbered cause was recessed until 2:18 o'clock p.m., February 15, 1954, at which time counsel, except Mr. Prim, and Defendants, except Defendant Songahid, heretofore noted being present, the following proceedings were had, to wit:)

Mr. Harris: I have the judgment in the Sam Blassingame matter.

Songahid is in the typewriter, practically finished.

The Court: All right. Have you looked it over, Mr. Kosher?

Mr. Kosher: No, I haven't.

Mr. Harris: I have given a copy to the Defendant.

Mr. Kosher: Oh, that one. I have looked it over and it is all right, in accordance with the rule of the Court.

The Court: It is in accordance with the oral pronouncement?

Mr. Kosher: Yes. [242]

The Court: Do you have a bond?

Mr. Kosher: We have an order denying motion

for acquittal, and an order, and I have left the amount of the bond blank.

The Court: What was the amount one——

Mr. Kosher (Interposing): One thousand.

The Court: What is your recommendation, Mr. Harris?

Mr. Harris: I think it should be at least double, your Honor.

The Court: I was inclined to put it at twenty-five hundred dollars, or more.

Mr. Harris: Yes, your Honor.

The Court: Do you think that is sufficient?

Mr. Harris: I think that is sufficient.

The Court: Twenty-five hundred dollars?

Mr. Kosher: I thought double. He isn't going to go any place. He has three children here. He is not apt to go any place.

The Court: Two thousand?

Well, you feel two thousand is sufficient?

Mr. Harris: No, I would say that would be the least amount.

The Court: Well, I will fix it at twenty-five hundred dollars. Is written notice of appeal on file? [243]

Mr. Kosher: Your Honor, I have it here. I have served it upon Counsel for the Government.

The Court: And this is your name; you have signed this, Mr. Blassingame?

Defendant Blassingame: Yes, sir.

The Court: Is the bondsman here?

Mr. Lehman: Yes, sir.

The Court: And this is your signature, Mr. Lehman?

Mr. Lehman: Yes, sir.

The Court: In the matter of United States vs. Blassingame, judgment and sentence and commitment has been signed, and may be filed, and the order denying Defendant's motion for acquittal and new trial has been signed and may be entered, and the order admitting Defendant to bail has been signed and may be entered, and bond in the amount of twenty-five hundred dollars has been posted.

The Defendant is released under bond.

(Whereupon, a short recess was had in the above-entitled and numbered cause, and Counsel heretofore noted, except Mr. Kosher and Defendant Blassingame, being present, the following proceedings were had, to wit.)

Mr. Prim: She has received a copy of the judgment and the order of probation, your Honor, and she has read it. [244]

The Court: Do you agree it is in accordance with the Court's oral pronouncement?

Mr. Prim: Yes, your Honor, it is.

The Court: Have you read this, Mrs. Songahid?

Defendant Songahid: Yes.

The Court: Do you think you can comply with those conditions of probation?

Defendant Songahid: Yes, I do.

The Court: You really do?

Defendant Songahid: Yes.

Mr. Harris: I have an extra copy. Maybe I can give one to Mr. Prim, and also the Defendant.

Mr. Prim: Yes.

The Court: All right; well, if you can do that, the Court will be able to sign the fact that you have successfully completed probation three years from now.

Mr. Prim: I don't know whether your Honor has seen it, but she has the biography of her life, in which she says she is trying to do this, and I feel that with just a little help, she will break the habit.

The Court: Well, when you made the statement, Mr. Prim, I, of course, assumed you were placing it on some factual situation, and for the moment I questioned it because it isn't an easy thing to change a way of life after the difficulties you have had. However, it isn't [245] impossible, and I only hope you can do so.

I, however, should warn you, as I said this morning, that if you don't, and you come back here, you will be sentenced, and, of course, that is the only way a person can be released on probation.

The purpose of it is to help people straighten out, and sometimes it works, and sometimes it doesn't. But I always hope, when I grant probation, that I will not see the person again, at least, in the courtroom. but there are occasions that the Court imposes sentence, and it is usually longer than had the sentence been imposed in the first instance, so I hope you are able to meet these conditions of pro-

bation, and that you and Society and your child will all be better for it.

Mr. Prim: Thank you, very kindly, your Honor.

(Whereupon, hearing in the within-entitled and numbered cause was adjourned.) [246]

Reporter's Certificate

I, Earl V. Halvorson, Official Court Reporter for the United States District Court, Western District of Washington, Northern Division, hereby certify that the foregoing is a full, true and correct transcript of the matters therein set forth; and I hereby certify that the foregoing transcript has been prepared by me or under my direction.

[Endorsed]: Filed April 30, 1954. [247]

[Title of District Court and Cause.]

COURT'S INSTRUCTIONS TO THE JURY

The Court: Ladies and Gentlemen of the Jury:

You have heard the testimony in the case, and you have heard argument of Counsel, and, as you know from other cases, it is now the obligation and duty of the Court to instruct you on the law applicable in the case.

Likewise, you know that these instructions are oral so far as these instructions are concerned, and as the Court gives them to you, you will not have the benefit of any copies to take to the Jury room, and, therefore, you will have to rely on your own

recollection when you apply those instructions to the evidence as you heard it in this [3*] case.

This is the method whereby you are advised as to the law, and how it should be applied to the evidence as you have heard it.

You must consider the instructions as a whole and be cautious not to single out one instruction and present that without applying the others in equal manner. In other words, the instructions are given and are to be construed as an entirety rather than single statements of law.

As you know, regardless of what your opinion may be, or the opinion of anyone else as to what the law is or should be, you are bound to accept the law as the Court gives it to you.

In this case, the defendants have been indicted by the Grand Jury, and charged with the crime as the Court will later indicate to you, and they are now on trial. They have pleaded not guilty. Therefore, the Government has undertaken the burden, as the law requires, and must establish beyond a reasonable doubt, every material allegation of that Indictment.

The Indictment itself is but a formal method of charging a defendant with a crime, or defendants in this case. In and of itself, it is no indication, and permits no inference or presumption, of guilt. Rather, the law [4] presumes every defendant innocent until he or she is proven guilty beyond a reasonable doubt by the evidence in the case; and this presumption is not a mere matter of form, but

*Page numbering appearing at top of page of original Reporter's Transcript of Record.

a substantial right of every defendant in a criminal case, and the presumption continues throughout the trial and until such time as you find from the evidence that it has been overcome beyond a reasonable doubt.

In considering the evidence, and the law, as the Court gives it to you, and applying it to the evidence in the jury room, you are to perform your duty as jurors without prejudice and without bias and sympathy.

Both the defendants and the Government expect that you will carefully and impartially consider all the evidence, and follow the law as given you by the Court, and reach your verdict, a just verdict, regardless of the consequences.

The punishment provided by law for the offense charged in the Indictment is a matter for the Court—that is, the Judge—and the Judge, alone—and it is not to be considered by you in determining what your verdict shall be or determining whether the defendant is innocent or guilty—whether the defendants are innocent or guilty.

The term “reasonable doubt,” as I have used it here, means in law just what the words imply—a doubt based [5] upon some good reason. It is one that must arise from the evidence or lack of evidence in the case. It must be a substantial doubt such as an honest, sensible, fair-minded man or woman might with reason entertain consistently with a conscientious desire to ascertain the truth. You must use your common sense as men and women possessing some knowledge of the ways of life and

if after examining carefully all of the facts and circumstances established by the evidence in this case you can feel and say that you have a settled and abiding conviction of the guilt of the defendant then you are satisfied beyond a reasonable doubt. If you have not such a conviction, then you should acquit the defendants; that is, find them not guilty.

Proof beyond a reasonable doubt does not mean that the evidence shall establish the guilt of the defendants beyond all possible doubt. The law does not require absolute certainty of guilt before there can be a verdict of guilty at your hands.

Reasonable doubt may not be based upon a mere whim, and may not be based upon mere conjecture, nor may it be based upon some vague possibility or upon sympathy.

You have heard the witnesses testify in this case, and you, and you alone, are the judges of the credibility of those witnesses and the weight their testimony deserves. A witness is presumed to speak the truth; but this presumption may be outweighed by the manner in which the witness testifies, by the character of the testimony given, or by contradictory evidence. You should carefully scrutinize the testimony given, the circumstances under which each witness has testified, and every matter in evidence which tends to indicate whether the witness is worthy of belief. You may and should consider each witness' intelligence, motive and state of mind, and demeanor and manner while on the stand. Consider also any relation each witness may bear to either side of the case; the manner in which each witness might be affected by the verdict; and the extent to

which, if at all, each witness is either supported or contradicted by other evidence.

Inconsistencies or discrepancies in the testimony of a witness, or between the testimony of different witnesses, may or may not cause the jury to discredit such testimony. Two or more persons witnessing an incident or a transaction may see or hear it differently; and innocent misrecollection, like failure of recollection, is not an uncommon experience. In weighing the effect of a discrepancy, consider whether it pertains to a matter of importance or an unimportant detail, and whether the discrepancy results from innocent error or wilful falsehood. If you find the presumption of truthfulness to be outweighed [7] as to any witness, you will give the testimony of that witness such credibility, if any, as you may think it may deserve.

Evidence is introduced in a case and may be either direct or positive, or it may be circumstantial.

When we refer to direct or positive evidence, we refer to that evidence which we ascertain or know or interpret by virtue of our senses. We see, hear or feel things.

Circumstantial evidence is proof of such facts and circumstances concerning the conduct of the parties which conclude or lead to a certain inevitable conclusion. Circumstantial evidence is legal and competent as a means of proving guilt in a criminal case, but the circumstances must be consistent with each other, consistent with the guilt of the party charged, inconsistent with his innocent, and incon-

sistent with every other reasonable hypothesis except that of guilt, and when circumstantial evidence is of such character circumstantial evidence alone, without any direct testimony at all, is sufficient to convict and you should review all of the circumstances in the light of this instruction as I have given it to you.

With relation to intent, which is always an essential part of any crime: [8]

Intent may be inferred from all the evidence in the case, including any acts done and statements made by the accused. The jury should consider all the facts and circumstances in evidence which may aid determination of the issue as to intent.

Intent as other factors or other issues in a case, may be proved by circumstantial evidence. Actually, intent can rarely be established by any other means than circumstantial evidence because while witnesses may see and hear and thus be able to give direct evidence of what a defendant does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted.

When I say there can be no hearing, of course, a defendant may tell someone, but only in that respect are the senses available. Therefore, what a defendant does or fails to do may indicate intent or lack of intent to commit the offense charged.

We use the words inference and presumption:

An inference is a deduction or conclusion which reason and common sense lead the jury to draw from facts which have been proven.

A presumption is an inference which the law requires the jury to make from particular facts, in the absence of convincing evidence to the contrary. That is, presumption [9] of innocence. Such a presumption continues in effect until overcome or outweighed by evidence to the contrary; but unless so outweighed the jury is bound to find in accordance with the presumption.

Again, relative to intent:

In every crime there must exist a union or joint operation of act and intent. The burden is always upon the prosecution to prove both act and intent beyond a reasonable doubt.

A person is held to intend all the natural and probable consequences of acts knowingly done. That is to say, the law assumes a person to intend all the consequences which one standing in like circumstances and possessing like knowledge should reasonably expect to result from any act which is knowingly done.

An act is done knowingly if done voluntarily and purposely, and not because of mistake or inadvertence or other innocent reason.

Now, those foregoing instructions, Ladies and Gentlemen, are the general instructions which are applicable to this, as to most other criminal cases.

Now, going to the particular instructions as to be applied, as they are to be applied, to this case, I will first cover the Indictment and then the particular instructions which you should bear in mind as to the type of crime here charged: [10]

The Indictment in this case charges that on or

about January 5, 1953, at or near Portland, the defendant did conspire and agree together with each other, to commit an offense against the United States, that is, to knowingly and unlawfully cause the said Patricia Lewis to go in interstate commerce from Portland, Oregon, to Seattle, Washington, with the intent and purpose on the part of said Sam Blassingame and Patricia Lewis that Patricia Lewis should engage in the practice of prostitution and the defendants did knowingly cause said Patricia Lewis to go and to be carried as a passenger upon the line of a common carrier, to wit: United Air Lines, in the said interstate commerce.

The Indictment further alleges that it was a part of said conspiracy that the said Sam Blassingame should accompany the said Patricia Lewis across the state line from Oregon to Washington as a passenger upon the line of said common carrier, to Seattle, Washington, and in order to effect the object of said conspiracy, the said Sam Blassingame and Patricia Lewis did commit certain overt acts within the Northern Division of the Western District of Washington and within the jurisdiction of this Court, which overt acts are alleged as follows:

First, that said Sam Blassingame and Patricia Lewis bought airplane tickets at Portland, Oregon, via United Air Lines, to Seattle, Washington, on January 5, 1953. [11]

Second, that said Sam Blassingame and Patricia Lewis boarded United Air Lines airplane, Flight No. 675, at Portland, Oregon, to Seattle, Washing-

ton, on January 5, 1953, at approximately 3:45 p.m.

Third, that said Sam Blassingame and Patricia Lewis arrived at Seattle-Tacoma Airport, located in King County, in the Northern Division of the Western District of Washington, on January 5, 1953, at approximately 4:45 p.m. on board the United Airlines airplane, Flight No. 675.

Fourth, that said Sam Blassingame and Patricia Lewis, after arriving in King County, as heretofore alleged in the preceding paragraph of this Indictment, traveled by the same taxicab from said airport to an address near Jackson Street, Seattle, Washington, on January 5, 1953.

Fifth, that said Sam Blassingame on January 5, 1953, transported Patricia Lewis by private automobile from the address near Jackson Street, Seattle, Washington, to 3009 $\frac{1}{2}$ E. Spruce, Seattle, Washington.

To the charges as set forth in the Indictment, the defendants have entered a plea of not guilty as stated and that places upon the Government the burden of proving beyond a reasonable doubt every allegation upon which they are now being tried. [12]

A conspiracy may be defined as a combination or agreement between two or more persons to do an unlawful act, or doing a lawful act by unlawful means, and the doing of some act by some one or more of them for the purpose of carrying the conspiracy into effect.

In considering your verdict you will first consider whether or not a combination or agreement to do an unlawful act exists, and if you find such a

combination or agreement did exist, you will then consider whether or not both of the defendants were parties to that agreement, which agreement, of course, could be either an implied or a tacit agreement and need not be in writing, or need not be expressly arrived at.

However, in conspiracy, there must be some unity of purpose, some common understanding, some meeting of the minds in an unlawful arrangement, and then to make a conspiracy a crime, the doing of some overt act, some action taken, to effect the object of the conspiracy.

The common design is the essence of the charge of conspiracy. Where an unlawful object is sought to be effected and two or more persons actuated by a common purpose, pursuing a preconceived plan to accomplish that purpose, act or work together in any manner in furtherance of the unlawful scheme, each party consciously participating is a party to the conspiracy no matter what part he takes in the execution of the object or plan; and where two or more [13] persons are proven to have combined together for the same illegal purpose, any act done by one of the parties in furtherance of the original concerted plan and with reference to the common object is, in the contemplation of law, the act of the other or of each.

You are instructed that it is not necessary that the Government prove every overt act charged in the conspiracy charge. Proof of one is sufficient. It is not necessary that it be proven that the defendants agreed orally or in writing to commit the crime

charged. It is sufficient if there was a tacit or implied understanding, as I indicated before.

You are instructed that it is a violation of the laws of the United States for a person or persons to knowingly persuade, induce, entice or coerce any woman or girl to go from one place to another in interstate commerce for the purpose of prostitution, or with the intent and purpose on the part of each person or persons that such woman or girl shall engage in the practice of prostitution, whether with or without her consent, and thereby knowingly causes such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier in interstate commerce.

There has been evidence in this case concerning certain statements made by one of the defendants to an agent [14] of the F.B.I. Statements made after the arrest of the defendants are admissible against the particular defendant making the statements and not against the other defendant. Statements, however, made by any one of the defendants during the course of the conspiracy, provided you find from the evidence beyond a reasonable doubt that a conspiracy existed, are admissible against not only the person making the same but against each of the defendants who at said time had entered into the conspiracy.

If you find from the evidence that the witness, Patsy Ruth McCandless, was a person engaged in immoral practices, this finding by you is immaterial to the case, for you should not concern yourselves with whether or not she should be punished for

violating the State law, inasmuch as that is a matter solely for the State authorities and over which this Court has no control and no jurisdiction. Jurisdiction is conferred upon the Federal Government only when a woman or girl is transported in interstate commerce for the purposes about which you have heretofore been instructed. In other words, the basis of the Federal Government's jurisdiction is transportation in interstate commerce, and when that element is absent the Federal Government has no jurisdiction.

Certain evidence has been admitted in this case, particularly in connection with the testimony of [15] Mrs. McCandless and Mrs. Smith, with relation to certain acts of both defendants that may have been in violation of State law and which were—which acts were—unrelated to the charge made in the Indictment, or in the Indictment, in this case. Such evidence is not to be considered by you for any purpose until such time as you may find from other evidence in this case beyond a reasonable doubt that the conspiracy alleged existed.

When and if you so find, then such evidence may be considered by you in determining the intent or purpose of the defendants in so conspiring.

You are instructed that on the question of whether the alleged conspiracy existed as charged you are not to consider any statements made or acts done by any defendant in furtherance of the alleged conspiracy in the absence of other defendants except against the individual making the statements or doing the acts, unless you are convinced by the evi-

dence beyond a reasonable doubt that the defendant so making such statements or doing such acts was authorized by the other defendants to make those statements or do those acts in furtherance of the alleged conspiracy.

There can be no conspiracy of any kind unless three elements are present. Those are:

First, the act of conspiring together of two [16] or more persons, in this case only two persons.

Second, to commit the particular offense charged in the Indictment. That is, the transportation in interstate commerce for purposes of prostitution of the defendant Lewis.

And, third, the doing of something in furtherance of the unlawful design, although it is not necessary that the objects of such design be accomplished.

There is no such thing as one person conspiring. A person who alone plans and commits a criminal act is not guilty of conspiring.

You will note from the Indictment, or that the Indictment purported to charge a conspiracy, and sets forth a number of so-called overt acts. You are instructed that mere proof of an overt act, or overt acts, as charged in the Indictment—proof of those alone proves no conspiracy without further proof beyond reasonable doubt of an unlawful agreement entered into by two or more persons, in this case two, as named in the Indictment, to commit the unlawful acts charged.

This is true, even though evidence shows the overt acts to be unlawful in and of themselves.

You are further instructed that such overt acts

must be found from the evidence to be clearly referable to the unlawful agreement, provided you find from the evidence that such unlawful agreement did in fact exist as [17] alleged in the Indictment.

Even participation in the offense itself which is alleged to be the object of the conspiracy does not necessarily prove a participant guilty of such conspiracy. There must in addition thereto be proof of participation and agreement by the said defendant, or defendants, with knowledge on his or her part of the existence of the unlawful agreement charged in the Indictment.

These matters must be proved by the evidence beyond a reasonable doubt.

The unlawful agreement is the gist of the offense of conspiracy, and unless you find both defendants named in the Indictment herein so entered into the unlawful agreement specifically charged in the Indictment, and actively participated therein and that one or the other of the defendants committed at least one of the overt acts alleged in the Indictment with knowledge and in furtherance of such unlawful agreement, you cannot find any or either of the defendants guilty in this case.

The issues in this case, as in all criminal or civil cases, is important. It is your duty, and I am confident that you will do your duty as jurors under the oath that you have taken, to conscientiously, seriously and free from prejudice or sympathy return a true verdict under the evidence and these instructions. [18]

It is not the policy of the law that a verdict of guilty should be returned against any one on trial unless such verdict is supported by the evidence beyond a reasonable doubt, but it likewise is against public policy that any person who has violated a law or regulation should escape if the testimony shows beyond a reasonable doubt that such person is guilty as charged.

It is your duty as jurors when you leave and arrive in your jury room to confer with each other freely, frankly, and discuss together honestly all the issues involved in this case for the purpose of agreeing upon a common verdict. The thought, of course, is in deliberation to harmonize your views so that you may all be in agreement on a lawful verdict. An agreement of a lesser number than twelve of you is not a lawful verdict.

As I have advised you, the law of this case is for the judge, and it is your duty implicitly to accept all the rulings that the Court has made in this case, and as well to accept the instructions now being given you; but as to the facts, and what the evidence proves, and what weight to give the testimony of the various witnesses, and particularly what inferences should be drawn from the facts and circumstances proved, that is exclusively your function.

With respect to that, you are independent, [19] controlled neither by any opinion that the Court may see fit to express, or by the arguments of counsel, although you have listened to them carefully, and you are entitled to consider the assistance counsel can give you in putting together the facts as they

see them in any respect that they may be of assistance to you.

You, of course, must bear in mind that the argument of counsel and other statements made by counsel throughout the trial are not evidence, and are not to be accepted by you as such, unless, of course, they coincide with your recollection of the evidence as you recall it and, if you have any opinion that the Court has given any indication of the guilt or innocence of the defendants or the credibility or weight to be accorded any evidence, or the testimony of any witness, I wish at this time to let you know you are in no way bound to follow what you might think the Court believes or thinks as to the guilt or innocence or credibility or weight of evidence.

Those matters are entirely your responsibility.

In the event you should have occasion during your deliberations to communicate with the Court, you should knock at the door and advise the Bailiff of your request, or give him a note, but be cautious on these occasions, if they should arise, not to indicate numerically how you stand as to your verdict until you have reached a unanimous verdict. [20]

When you leave here, you should select one of your number to act as foreman or forewoman, and when you have reached your verdict, you should advise us and fill in on the form I will give you, whether the defendants are guilty or not guilty, and the verdict reads, The United States of America vs. Sam Blassingame and Mary Donna Songahid. That, apparently, is her true name, although she has been indicted under the name of Lewis.

The Indictment, or the verdict, reads:

“We, the Jury in the above-entitled cause, find the defendant Sam Blassingame”—and then there is a blank, “guilty as charged in the Indictment filed herein, and further find the defendant Mary Donna Songahid,” and then there is a blank, “guilty as charged in the Indictment filed herein,” and then there is a blank for signature, and a place for the date.

In the blank, if you find them not guilty, you will insert the word “not,” and if you find them guilty, you will insert the word “is,” so that it will read “is guilty” or “not guilty.”

You must find both defendants guilty or not guilty in this case, because you cannot find one guilty and the other not guilty. [21]

* * *

VERDICTS

The Clerk: United States of America, Plaintiff, vs. Sam Blassingame, Mary Donna Songahid, Defendants, Cause No. 48895. [24]

Verdict:

We, the Jury in the above-entitled cause, find the defendant, Sam Blassingame, is guilty as charged in the Indictment filed herein, and further find the defendant, Mary Donna Songahid, is guilty as charged in the Indictment filed herein.

It is signed Marvin F. White, Foreman; dated January 22, 1954.

* * *

[Endorsed]: Filed September 7, 1954. [25]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

United States of America,
Western District of Washington—ss.

I, Millard P. Thomas, Clerk of the United States District Court for the Western District of Washington, do hereby certify that pursuant to the provisions of subdivision 1 of Rule 10 of the United States Court of Appeals for the Ninth Circuit, and Rule 39(b)(1) of the Federal Rules of Criminal Procedure, and designation of counsel for appellant, I am transmitting herewith the following original documents as the record on appeal from the Judgment, Sentence and Commitment, Filed February 15, 1954, to the United States Court of Appeals for the Ninth Circuit at San Francisco, said papers being identified as follows:

1. Indictment, filed December 30, 1953.
15. Motion for Judgment of Acquittal or for New Trial, filed January 29, 1954.
20. Order Denying Defendant's Motion for Acquittal and for New Trial, filed February 15, 1954.
21. Judgment, Sentence and Commitment, Blassingame, filed February 15, 1954.
23. Notice of Appeal, filed February 15, 1954.
26. Order on Petition for Extension of Time to May 15, 1954, in which to file transcript of record, filed February 26, 1954.
28. Designation of Record on Appeal, filed April 28, 1954.

29. Statement of Points on Which Appellant will Rely, filed April 28, 1954.

33. Copy of Court Reporter's Transcript of Trial Proceedings, filed April 28, 1954.

I further certify that the following is a true and correct statement of all expenses, costs, fees and charges incurred in my office by or on behalf of the appellant for preparation of the record on appeal in this cause, to wit: Filing fee, Notice of Appeal, \$5.00; and that said amount has been paid to me by counsel for appellant.

In Witness Whereof I have hereunto set my hand and affixed the official seal of said District Court at Seattle, this 7th day of May, 1954.

[Seal] MILLARD P. THOMAS,
Clerk,

By /s/ TRUMAN EGGER,
Chief Deputy.

[Endorsed]: No. 14352. United States Court of Appeals for the Ninth Circuit. Sam Blassingame, Appellant, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court for the Western District of Washington, Northern Division.

Filed May 10, 1954.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for the
Ninth Circuit.

In the United States Court of Appeals
for the Ninth District

No. 14352

UNITED STATES OF AMERICA,
Plaintiff,
vs.

SAM BLASSINGAME and MARY DONNA
SONGAHID,
Defendants.

ADOPTION OF STATEMENT OF POINTS
AND DESIGNATION OF RECORD

Comes Now the above-named defendant, Sam Blassingame, and hereby adopts the statement of points and designation of record appearing in the typewritten transcript of record in the above-entitled cause.

/s/ MAX KOSHER,
Attorney for Defendant,
Sam Blassingame.

[Endorsed]: Filed May 17, 1954.